

Notes of the Registry

ORDER OF THE TRIBUNAL

OA 518/03


24.8.04

Shri R.L.Gupta for the applicant.
Shri S.P.Sinha for the respondents

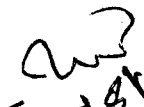
MA No.1048/04 for condonation of delay,
in filing the application for substitution
of legal representatives.

Learned counsel for the applicant argued
that the wife of the petitioner fell ill
and therefore she could not file the said
application within time. After recovery
from her illness she contacted her counsel
and moved an application on 22.8.04 while
her earlier application for substitution
was moved on 9th August 04. It is further
argued on behalf of the applicant that the
widow of the applicant could not move the
application in time because of her illness.

2. In reply, the learned counsel for
respondents argued that the earlier MA No.
975/04 which was moved on 9th August 04
was belated and now the applicant has sought
condonation of delay in filing that applic-
ation by this MA No.1048/04 on the ground of
illness of the wife of the deceased applicant
and that the deceased has a son whose date
of birth is 12.11.80 who is a major now.
He is also a necessary party and the applicant
has not moved any application in this regard
so far. The original applicant died on
25.10.03. According to Rule 18 of CAT (Procedure
Rule 1987, the period of limitation provided
is for 90 days while the earlier MA 975/04
was moved 10 months after the death
of the original applicant S.K.Rai. No medical
certificate is filed and the son of the
applicant is also not made a party while
legally he is also a necessary party, being
the son of the deceased. Hence both MAS
No.1048/04 and 975/04 are dismissed and the
OA stands abated.


(Madan Mohan)
JM

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cc 
a 25/8/04