

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 application 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 25.1.03. 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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