

22.9.2003

25.

MA 1897/2003 in
OA 515/2003

Present Shri Vikas Mahajan, learned counsel for the
applicant.
Shri K.C.D.Gangwani, learned counsel for the
respondents.

In terms of our previous order dated 11.9.2003,
learned counsel submits that he has applied to the
Registry to obtain certified copy of Tribunal's order
dated 29.8.2003 in OA 515/2003, which he has not ~~been~~
received as yet.

2. On the other hand, Shri K.C.D.Gangwani, learned
counsel for the respondents, who is present in Court
submits that he has received a copy of the aforesaid order
of the Tribunal from the Registry on 9.9.2003.

3. We have also seen the Court records/part C file
and note that Registry has sent copies of the aforesaid
order of the Tribunal dated 29.8.2003 to both the parties.
We have also perused the order by which the OA has been
dismissed for default and non-prosecution, noting the fact
that none had appeared for the applicant either on
18.8.2003 or 29.8.2003 when the case was listed.

4. We have heard learned counsel for the parties in
MA 1897/2003. Shri Vikas Mahajan, learned counsel submits
that he normally practices in the Hon'ble Delhi High Court
and was not aware that the OA which had been admitted on

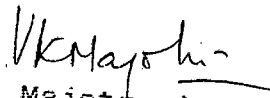
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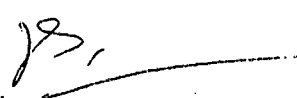
23.7.2003 will be listed in the next month itself i.e. on 18.8.2003 and 29.8.2003. He apologizes for his absence on those two days. He also submits that he does not subscribe to the CAT Cause List.

5. It is settled position that the applicant should not suffer for the inadvertence or negligence on the part of the counsel whom he/she has engaged to pursue their case before the Tribunals/Courts. In this view of the matter, we allow MA 1897/2003. Accordingly, Tribunal's order dated 29.8.2003 is re-called and OA is placed on record.

6. MA 1897/2003 is accordingly disposed of as above.

7. OA already stands admitted. List under regular matters for hearing on 23.10 2003.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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