

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

24-6-2013

Heard Mr. K.Paul, learned counsel appearing for the petitioner and also Mr. S. Sen Gupta, learned counsel appearing for respondents No. 1-6.

Office note dated 16-4-2013 indicates that steps for service of notice of the present misc. application to the respondents No. 7-13 had been taken by Registered Post with AD card. Till date, neither AD card nor service reports returned unserved.

Accordingly, service of notice of the present misc. application to the respondents No. 7-13 shall be deemed to have been effected properly.

This is an application for condonation of delay in filing the connected application for restoration of WP(C)[SH] No. 347/ 2005. It is stated in para No. 4 of the present misc. application that the petitioner came to know that the WP(C)[SH] No. 347/2005 had been dismissed by an order of this Court dated 16-8-2011 only in the third week of October 2012. After coming to know of the said order of this Court dated 16-8-2011, the petitioner had engaged a new counsel for filing an application for restoration of the writ petition by setting aside the order of this Court dated 16-8-2011.

It is also stated in the misc. application that if the limitation is calculated from the date of knowledge of the said order of this Court dated 16-8-2011, the accompanying application for restoration of the writ petition is in time. However, for abundant precaution the present application is filed for condonation of delay in filing the application for restoration.

Perused the misc.application regarding the cause for the delay and I am of the view that sufficient cause had been shown for condoning the delay. Accordingly, the delay in filing the application for restoration of WP(C)[SH] No.347 of 2005 is condoned.

Misc.application is allowed.

JUDGE

S.Rynjah