



\$~108

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5867/2021 and CM APPL. 24071/2023, 24072/2023**

ERICK MASSEY AND ORS. Petitioners
Through: Mr. Utsav Bains, Adv.
versus

UNION OF INDIA AND ORS. Respondents
Through: Mr Kirtiman Singh, CGSC with Mr
Waize Ali Noor, Ms Shreya V Mehra
and Mr Madhav Bajaj Adv.
Mr. Anuj Aggarwal, ASC, GNCTD;
Ms. Ayushi Bansal, Adv; Ms.
Arshya Singh, Adv.; Mr. Aakash
Dahiya, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **10.05.2023**

1. This hearing has been done through hybrid mode.

**CM APPL.24071/2023 (for restoration) & 24072/2023 (for delay) in
W.P.(C) 5867/2021**

2. These are applications for restoration of the petition and for condonation of delay in filing the application for restoration.

3. The case of the Id. Counsel for the Petitioners is that he was himself down with COVID-19 and requested his colleague to appear in this matter, who did not appear. On a query from the Court, as to why there was so much delay in filing the application, the burden is again shifted to the colleague.

4. Under these circumstances, the delay in filing the restoration application is condoned and the application for restoration of the petition is



allowed, subject to payment of Rs.15,000/- as costs to be paid to Id. Counsel for the Respondents. Let the cost be paid within 4 weeks. Both the applications are allowed.

5. The writ petition is restored to its original number. Let the counter affidavit be filed within 6 weeks, after payment of costs. Rejoinder thereto be filed within 4 weeks thereafter.

6. List before the Registrar on 2nd August, 2023.

7. List before the Court on 17th November, 2023.

PRATHIBA M. SINGH, J.

MAY 10, 2023/dk/am