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

+ **W.P.(C) 6671/2007**

RAJNI

..... Petitioner

Through Mr.Vijay Sharma, Adv.

versus

THE MANGEMETN RAISIAN BEGALI SCHOOL Respondent

Through Nemo.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **22.01.2019**

CM Nos.34711/2017 (for restoration) & 34712/2017 (for condonation of delay)

1. This is an application filed by the petitioner seeking restoration of the writ petition which was dismissed in default on 3rd December, 2015 alongwith an application seeking condonation of the delay of 648 days in filing the restoration application.

2. Vide order dated 22nd September, 2017, notice of the present applications was issued to the respondent, who despite being served, did not file any reply. In these circumstances, this Court had, vide its order dated 12th December, 2017, closed the right of the respondent to file the reply. Even today, none appears on behalf of the respondent. The applications are, therefore, taken up for consideration.



3. Learned counsel for the petitioner states that the petitioner had been diligently pursuing the writ petition, which is also evident from the fact that she had moved an application seeking early hearing, that was dismissed on 12th December, 2014, due to the heavy Board of the Court. He, therefore, states that there was no reason for the petitioner not to appear before this Court when the writ petition was dismissed in default. He further states that the petitioner, a Safai Karamchari, who belongs to the lower strata of society, was dependent on her lawyer for representing her before this Court and even though her counsel was checking the cause list at regular intervals, he missed the matter on some dates and, therefore, could not appear before the Court when the writ petition was listed.

4. I have considered the submissions made by learned counsel for the petitioner and also perused the records. The averments made by learned counsel for the petitioner are borne out from the record and it is evident that the petitioner was being duly represented from time to time. In these circumstances, it cannot be held that the failure of the petitioner to be represented before this Court on 3rd December, 2018 was in any way deliberate or wilful. Grave and irreparable prejudice would be caused to the petitioner, if the writ petition filed by her as early as in 2007, is not restored. Even otherwise, it also reflects from the record that the respondent was also unrepresented when the writ petition was dismissed in default.

5. For the aforesaid reasons, the applications, are allowed. The writ petition is restored to its original position.



W.P.(C) No.6671/2007

List the matter in the category of “Regular Matters” as per its own turn.

JANUARY 22, 2019/aa

REKHA PALLI, J