



\$~64

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

+ C.M. No.1157/2019 (for restoration) & 1158/20189 (for delay) in
W.P.(C) 518/2011

EXECUTIVE ENGINEER, ALL INDIA RADIO Petitioner
Through: Mr.Rajeev Sharma & Mr.T. Rajat
Krishna, Advs.

versus

RISHI PAL Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **11.01.2019**

1. Vide the present applications, the petitioner seeks condonation of delay as also restoration of the writ petition, which was dismissed in default on 07.09.2018. Learned counsel for the petitioner draws my attention to the order dated 06.09.2018, on which date, this Court had after noticing that none of the parties appeared directed the matter to remain on board for 12.09.2018. However, it appears that the matter was again taken up for hearing on 07.09.2018 and was dismissed in default on the ground that none was appearing for the parties.

2. Learned counsel for the petitioner states that once the Court had specifically directed vide its order dated 06.09.2018 that the matter will be taken up for hearing on 12.09.2018, and, therefore, the



petitioner is not at fault in not appearing before the Court on 07.09.2018, when the matter was dismissed in default.

3. Learned counsel for the petitioner submits that the petitioner being an organisation did not come to know that the matter had been taken up for hearing on 06.09.2018 and thereafter on 07.09.2018, as the matter had been taken up for hearing after a lapse of almost three years, having been earlier listed on 02.11.2015.

4. The record shows that none had appeared on behalf of the respondent when the matter was dismissed in default or even on the earlier two dates i.e. 02.11.2015 and 06.09.2018. In these circumstances, there is no requirement to issue notice to the respondent. For the reasons stated in the applications, the delay in filing the application is condoned and the writ petition is directed to be restored to its original position.

5. The applications are allowed and disposed of in the above terms.

W.P.(C) 518/2011

1. List in the category of 'Regulars' as per its own turn.

REKHA PALLI, J

JANUARY 11, 2019

gm