

Hon'ble Lok Pal Singh, J.

Mr. B.S. Bisht, Advocate holding brief of Mr. D.S. Patni, Advocate for the petitioner.

Ms. Anjali Bhargava, Standing Counsel for the State.

Mr. Maneesh Bisht, Advocate holding brief of Mr. Vipul Sharma, Advocate for respondent no.4.

A Coordinate Bench of this Court, vide order dated 05.03.2019, had granted three weeks' time and no more to the State to file counter affidavit and had fixed the matter for 28.03.2019. On 28.03.2019, matter could not be taken up and the board discharged. Time to file the counter affidavit was upto 28.03.2019 but the respondent concerned did not choose to file the counter affidavit within the stipulated time. On 10.04.2019, counter affidavit along with delay condonation application CLMA No.4752 of 2019 was filed on behalf of respondent no.1, which is listed today.

Since a stop order has been by the Coordinate Bench, vide order dated 05.03.2019, in my opinion, unless that order is not recalled, counter affidavit filed by way of CLMA No.4752 of 2019 cannot be taken on record. But there is no application to recall the said order. Thus, CLMA No.4752 of 2019 is dismissed.

Learned counsel for respondent no.4 seeks further time to file counter affidavit.

As regards respondent no.4, the Court finds that by order dated 21.12.2018, three weeks' time was granted to respondent no.4 to file counter affidavit, but thereafter neither he prayed to file counter affidavit nor did he file the same in the Registry. In such circumstances, opportunity of respondent no.4 to file counter affidavit is hereby closed.

Misc. application IA No.7925 of 2019 is disposed of accordingly.

(Lok Pal Singh, J.)

21.06.2019