

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.113 OF 2007  
(@ S.L.P.(C) No.5875/2006)

Ajay Chakravarty ..... Appellant

versus

State of Assam & Anr. .... Respondents

O R D E R

Service of notice on the respondents is complete.

However even today there is no appearance on behalf of the respondents.

Leave granted.

On 10.7.2006, notice was ordered to the respondents limited to the question as to why the writ petition which was dismissed for non-prosecution should not be restored.

2

We have perused the order impugned in the writ petition and also the explanation offered by the appellant. The explanation offered by the appellant, in our opinion, justify the prayer made by the appellant for restoration of the writ petition. It is also not in dispute that the restoration application was filed

within a reasonable period from the date of dismissal of the writ petition. A writ petition was dismissed on 17th August, 2005 and the restoration application was moved on 2nd September, 2005. We, therefore, set aside the order passed by the High Court and restore the writ petition to its original number and request the High Court to dispose of the same on merits and in accordance with law after affording opportunity to both the parties.

The Civil Appeal stands disposed of accordingly. No costs.

3

.....,J.

(Dr. AR. LAKSHMANAN)

.....,J.

(ALTAMAS KABIR)

New Delhi,  
Januar 8, 2007.

4

ITEM NO.52

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5875/2006

(From the judgement and order dated 09/11/2005 in WA No. 564/2005 of The HIGH

COURT OF GUWAHATI ,ASSAM)

AJAY CHAKRAVARTY

Petitioner(s)

VERSUS

STATE OF ASSAM & ANR.

Respondent(s)

Date: 08/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Rakesh Kumar Singh, Adv.

Mr. Durgesh Kumar Pandey, Adv.

Mr. C.D. Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Service of notice on respondents is complete. However, even today there is no appearance on behalf of the respondents.

Leave granted.

The Civil Appeal stands disposed of in terms of signed order placed on the file. No costs.

5

( A.D. Sharma )

( Phoolan Wati Arora )

Court Master

Court Master

(Signed Order is placed on the file)