

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

+ W.P.(C) 6673/2002

K.P.GOEL Petitioner
Through Mr. Rahul Shukla, Advocate.

versus

UOI & ORS. Respondents
Through Nemo.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
23.04.2008

W.P.(C) No. 6673/2002 & CM No. 13069/2007

1. The present writ petition was filed on 4th October, 2002 and was admitted to hearing with Rule being issued on 21st October, 2002. The petitioner thereafter did not take steps for service of notices on the respondents till 2005 as provided under the Rules.

2. On 14th February, 2005 the matter was listed before the Registrar and an opportunity was granted to the petitioner to serve the respondents for 7th July, 2005. The petitioner did not file process fee. Another opportunity was granted to the petitioner by Order dated 7th July, 2005 when notices were directed to be issued to the respondents returnable on 18th November, 2005.

On this occasion, process fee was filed but it was returned under office objection and thereafter it was not refiled.

3. On 18th November, 2005 another opportunity was granted to the petitioner for service of the notice on the respondents for 10th March, 2006. Process fee on this occasion was not filed. On 10th March, 2006, the matter was renotified for 5th May, 2006. The petitioner did not file any application for issue of notices and process fee was also not filed. In these circumstances, on 5th May, 2006 the matter was directed to be listed before Court on 25th July, 2006.

4. On 25th July, 2006 the matter was adjourned to 30th November, 2006 and thereafter to 27th February, 2007. No steps were taken during this period to serve the respondents by filing an application or by filing process fee.

5. On 27th February, 2007 this Court granted last opportunity to the petitioner to file process fee and serve the respondents and the next date of hearing was fixed as 3rd September, 2007. Process fee was not filed and the matter was, therefore, directed to be listed before Court on 23rd October, 2007.

6. The petitioner has now filed CM No. 13069/2007 seeking extension of time to file process fee and registered A/D covers. It is stated in the application that after Order dated 27th February, 2007 was passed, clerk of the counsel had to leave for his native place as his father was not well and,

therefore, process fee as well as copies of the writ petition could not be filed.

7. The matter was admitted to hearing on 21st October, 2002. In spite of repeated opportunities notice has not been issued to the respondents even on one occasion. Only once process fee was filed but the same was returned under office objection. Last opportunity was granted by Order dated 27th February, 2007. Again there was non-compliance. The justification and the reason given in the application CM No. 13069/2007 does not disclose sufficient cause. The application is accordingly dismissed. The writ petition is also dismissed for non-prosecution.

SANJIV KHANNA, J.

**APRIL 23, 2008
VKR/P**