

WAMP No.5891 of 2003

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr Justice T. S. SIVAGNANAM

THE EXECUTIVE ENGINEER [O&M]
VELLORE ELECTRICITY DISTRIBUTION
CIRCLE, TNEB, ARCOT and another.
Vs
TMT.A.RAJAKUMAR

In the appeal of 2003, there were repeated defaults in compliance for issuing notice to the respondents. This has resulted in the order dated 05.03.2003, stating that if there was any further default, the appeal and the application shall stand automatically dismissed, without further reference to the Court. Still the order was not complied with for notice, and thus, the matter automatically stood dismissed.

2. An application for restoration was thereafter filed belatedly with an application to condone the delay of 105 days in restoring the writ appeal, which was dismissed for default. The application was brought up before the court for the first time only on 04.01.2006, when the notice was issued. But, even in that batta was not filed. Thus, on 11.08.2009, when the matter was next listed, last chance of two weeks time was granted to get the respondents served, failing which the petition would stand automatically dismissed without any further reference to the Court.

3. Neither was batta filed nor there was any representation on behalf of the applicant before the Deputy Registrar, as noticed on 03.09.2014. Now this matter has been placed before the Court.

4. We can hardly conceive of a grosser case of negligence for following up the proceedings and thus, this is a completely unfit case for showing any further indulgence whatsoever.

5. We thus dismiss the application for condonation of delay. Consequently the application for restoration also stands dismissed and the original order of dismissal of appeal for non-prosecution stands.

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[CJ] [T S S J]

08/04/2015

KSR