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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. 1094/2013 & IA No.17708/2013
SR AEROSPACE INC

..... Petitioner

Through: Ms Prabha Mishra, Advocate.

versus

NATIONAL AVIATION COMPANY OF INDIA LTD

..... Respondent

Through: Mr Dhanesh Relan, Advocate.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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09.11.2016

IA No.17708/2013

1. It is stated that the counsel for applicant is out of station and therefore, is unable to appear. The date of hearing was already known and the learned counsel for the Petitioner could not have taken it for granted that an adjournment would be given. If the learned counsel was going to be in some difficulty, an application could have been filed seeking postponement of the date. '

2. This is an application filed for condonation of delay of 73 days in re-filing the petition. The only explanation for the delay is that the petition was settled by a senior lawyer, who suffered knee injury and after the petition was returned with some defects, the entire file was sent to the Senior lawyer for seeking advice on raising additional

grounds.

3. The above explanation is wholly unconvincing. As rightly pointed out by the learned counsel for the Respondent, no documents have been placed on record to substantiate the above reasons. It is also not known why the Petitioner had to send the file to the senior lawyer for curing defects pointed out by the Registry.

4. With the explanation not being satisfactory, this Court is not inclined to condone the delay in re-filing the petition. The application is, accordingly, dismissed.

O.M.P. 1094/2013

5. Consequently, the main petition also dismissed.

S. MURALIDHAR, J

**NOVEMBER 09, 2016
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