

\$~7 & 8 & (common order)

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

+ MAC.APP. 197/2013

STATE OF JAMMU AND KASHMIR Appellant

Through: Ms. Mazag Andrabi, Advocate

versus

R.M. PANDEY Respondent

Through:

+ MAC.APP. 199/2013

STATE OF JAMMU AND KASHMIR Appellant

Through: Ms. Mazag Andrabi, Advocate

versus

ANURAG PANDEY Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **17.07.2017**

CM APPL. 12418/2017 in MAC.APP. 197/2013

CM APPL. 12420/2017 in MAC.APP. 199/2013

These appeals filed by the State of Jammu and Kashmir arose out of common judgment relating to same motor vehicular accident leading to two accident claim petitions being filed by the respective first respondents and were taken up for final hearing and disposal along with two connected other appeals on 22.04.2016 in the presence of counsel deputed by the counsel engaged by the appellant.

After the decision by common judgment dated 22.04.2016, review petitions were filed, they being review petition nos. 384-385/2016 along with applications for condonation of delay which came up on 26.08.2016. Notices were directed to issue to the first respondent for 30.09.2016. Steps were not taken in terms of the directions issued at that stage for the processes to be sent out and served. On 30.09.2016 another standing counsel for State of Jammu and Kashmir appeared to seek adjournment on the ground he was yet to receive files from the previous standing counsel who had since resigned. The matters were directed to be re-notified for 09.12.2016. Noticeably, process fee was not filed even at that stage. When the matters came up again before the court on 16.01.2017, a new standing counsel submitted that his tenure had come to an end and, therefore, he would no longer be competent to represent the review petitioner. The court noted his submissions and observed that it is the obligation of the review petitioner to make suitable alternative arrangement. In the interest of justice matters were again adjourned with last opportunity being given.

The matters were directed to be re-notified for hearing and disposal on 17.02.2017 with clear direction that it would be the obligation of the review petitioner to make appropriate arrangements for proper representation. On 17.02.2017, there was no appearance on behalf of the review petitioner. Therefore, the review petitions with accompanying miscellaneous applications were dismissed in default.

The review petitioner thereafter has come up with the present applications, submitted on 10.03.2017 seeking restoration on the ground the counsel who has now filed the applications was unable to appear on 17.02.2017.

Notices on these applications was directed to issue by order dated 29.03.2017 for today. No steps have been taken even in pursuance of the said order.

Given the earlier conduct, there is no good reason to show further indulgence. There is no explanation for continued default.

Applications are dismissed for non prosecution.

R.K.GAUBA, J.

JULY 17, 2017

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