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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 537/2016
MAYA DEVI Appellant
Through : Sh. Rakesh Kumar Dudeja and Sh.
Anshul Grover, Advocates.

versus

DEPARTMENT OF TELECOM OPERATIONS Respondent
Through: Sh. Pavan Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
19.09.2017

The appellant is aggrieved by the refusal of the learned Single Judge to restore her writ petition [*Maya Devi v. Department of Telecom Operations* - W.P.(C) 1926/2007]. The writ petition was dismissed in default, i.e. for non-prosecution on 28.10.2015.

The learned Single Judge had noted that there was no appearance on the previous dates of hearing, i.e. 26.03.2015 and 13.10.2015. He further noted that the application for restoration was not prosecuted diligently.

We have considered the circumstances and also the fact that the Writ Petition was filed in 2007. Learned counsel's default in appearance, in our opinion, should not have resulted in the kind of prejudice that the appellant has been forced to face on account of the

dismissal of her petition.

In these circumstances, the impugned order dated 17.08.2016 and the order dated 28.10.2015 dismissing the petition for non-prosecution are hereby set-aside.

The parties are directed to be present before the concerned Roster Bench according to roster allocation on 25.10.2017. It is also clarified that the appellant would not seek further accommodation and that her counsel would prosecute the case on the dates of hearing fixed by the Court. The appeal is allowed in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 19, 2017/ajk