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

+ **W.P.(CRL) 1261/2017**

**ASSOCIATION OF APARTMENT OWNERS OF
NEW DELHI HOUSE (REGD)**

..... Petitioner

Represented by: **Ms.Sunita Bhardwaj, Advocate**

versus

STATE & ORS

..... Respondents

Represented by: **Mr.Sanjay Lao, ASC for the State**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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27.08.2018

CrI.M.A.No.30709/2018

For the reasons stated in the application, delay of 11 days in filing the application seeking restoration of the petition is condoned.

Application is disposed of.

CrI.M.A.No.30708/2018

1. By this application, the petitioner seeks restoration of the writ petition which was dismissed by this Court for non-prosecution on 12th July, 2018. On 12th July, 2018, this Court noted that despite the fact that there were directions dated 5th March, 2018 to supply complete set of writ petition along with annexures to the applicant and to the intervener Yash Pal Singhal, the copies were not supplied. The explanation of learned counsel for the petitioner was that the same was sought to be served but the learned

W.P.(CRL) 1261/2017

page 1 of 2

counsels refused. She further stated that since learned counsels failed to accept the copy of the petition and the annexures, process fee was filed. This Court noted that no process fee was filed after 5th March, 2018 and it was filed only on 19th May, 2017. Hence the directions dated 5th March, 2018 had not been complied with.

2. By this application, the petitioner seeks to place on record the tracking report as well as the reports of the Registry which show that process fee was filed by the petitioner on 13th March, 2018 i.e. after the order dated 5th March, 2018 however the report also notes that the process fee filed on 5th March, 2018 by learned counsel for the petitioner vide diary No.82605/2018 was under objections and returned on 16th July, 2018. It was thus as good as no process fee having been filed. Learned counsel for the petitioner also now relies upon the registered AD sent to the applicant and the intervener on 14th August, 2018 however the same is after the petition and application were dismissed.

3. Thus this Court finds no ground to recall the order dated 12th July, 2018.

4. Application is dismissed.

MUKTA GUPTA, J.

AUGUST 27, 2018

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