



WMP No.16838 of 2023
in
WP No.24968 of 2009

RMT.TEEKAA RAMAN, J.

The 2nd respondent herein filed claim petition in C.P.No.478 of 2008, wherein Rs.2,14,252/- was ordered and as against that the Management has preferred WP No.24968 of 2009, which was dismissed for default on 03.01.2019.

2. This Writ Miscellaneous Petition was filed to restore the Writ Petition, which was dismissed for default on 03.01.2019.

3. On notice, learned counsel for the claim petitioner viz., the 2nd respondent is present. He could contend that based upon the dismissal order in the writ petition, as early as on 03.01.2019, he has preferred an Execution Petition for realisation of the award passed in the claim petition. That Execution Petition was numbered as E.P.No.3 of 2023 and order of attachment of vehicle has already been effected.

4. On perusal of the back papers, I find that the writ petition was



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dismissed for default on 03.01.2019. Petition for restoration appears to be presented on 11.04.2019. However, since there was a long delay, it appears that the petitioner-Corporation has left it unattended till January 2020 and thereafter WMP No.2070 of 2020 was filed to condone the delay of 356 days. However, the same is left unattended for several years. Thereafter, it appears another WMP No.33057 of 2022 was filed on 22.11.2022 for condoning the delay of 704 days and the same was numbered on 12.12.2022.

5. When the matter was posted before the Court, the second condone delay petition i.e. WMP No.33057 of 2022, which filed for condoning the delay without noticing the earlier petition, was withdrawn on 17.03.2023 and the earlier petition i.e. WMP No.2070 of 2020 filed for condoning the delay of 356 days was ordered on 07.06.2023. Thereafter, the present petition for restoration is filed. In the meanwhile, the Execution Petition has been filed and attachment of vehicle has been effected.



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6. Thus, I find that the attitude of the Management only shows a lethargic attitude and now the restoration petition is pressed into service only after the attachment of vehicle is ordered in the Execution Petition. Hence, I find that there is no bonafide in restoration, except to get over the attachment order.

7. In view of the above, at this distance of time, I am not inclined to entertain this restoration petition. Accordingly, WMP No.16838 of 2023, stands dismissed.

01.08.2023

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