

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

206

CWP No.3843 of 2011 (O&M)

Date of decision: 20.02.2023

VIJAY KUMAR

...Petitioner

Versus

STATE TRANSPORT APPELLATE TRIBUNAL, PB AND ORS

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Sudan, Advocate
for the petitioner.

Mr. Sanjeev Soni, Addl. A.G., Punjab.

Mr. Karan Singla, Advocate
for respondent No.3.

Mr. Rohit Kapoor, Advocate
for respondent No.4.

Mr. Shashank Bhandari, Advocate for
Mr. A.M. Punchhi, Advocate
for respondent No.5.

Mr. Raj Kaushik, Advocate
for the applicant.

RAJ MOHAN SINGH , J.(ORAL)

Vide order dated 18.04.2022, learned counsel for the petitioner sought 10 days' time to file an affidavit giving details of the buses purchased by him along with the dates of purchase and the details of bus which was being used to operate in the permit in question. The affidavit was required to be filed clearly depicting that the petitioner is still operating the permit himself

or through someone else. It was made clear that in case affidavit is not filed within a period of 10 days, an appropriate order on the basis of pleadings on record will be passed as the writ petition is pending for the last more than 11 years.

Evidently, the petitioner had not complied with the above said order. Thereafter, on 19.09.2022 notice in CM-14394-CWP-2022 was issued. The aforesaid application is under Order I Rule 10 CPC filed by M/s Jawalamukhi Motors Registered, Chandigarh for impleading itself in this writ petition.

Learned counsel for the petitioner submits that since the petitioner has shifted abroad and therefore he is not in a position to contact his client.

In view of the non-compliance of the order dated 18.04.2022, this writ petition is dismissed for want of prosecution.

Application under Order I Rule 10 CPC is also disposed of with liberty to the applicant/petitioner that if some interest of the petitioner is involved, he may rake up his own cause of action independently in accordance with law.

20.02.2023

P.Bhatt

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No