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

+ W.P.(C) 13203/2021 and CM APPL. 49596/2024 (Exemption)

B M MISHRA (DECEASED) THROUGH HIS WIFEPetitioner
Through: Mr. Rakesh Dahiya, Mr. Aakash
Dahiya and Mr. Aditya Dahiya,
Advocates.

versus

UNION OF INDIA & ANR.Respondents
Through: Mr. Raj Kumar Yadav and
Mr. Umakant Mishra, Advocates for
UI.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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29.08.2024

CM APPL. 49595/2024 (for recall of order dated 13.08.2024)

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 on behalf of the applicant/petitioner seeking recalling of order dated 13.08.2024 as well as for restoration of the main petition.
2. Relevantly, on 13.08.2024, CM APPL. 46468/2024, was listed before this Court whereby applicant/petitioner had sought restoration of the main petition, having dismissed in default and for non-prosecution on 16.05.2024. But none appeared on behalf of applicant/petitioner on 13.08.2024.
3. On 13.08.2024, this Court taking note of the fact that since 13.07.2023, none had been appearing on behalf of petitioner and that despite repeated opportunities given, the petitioner had not filed rejoinder pursuant



to order dated 09.11.2022; dismissed petitioner's application being CM APPL. 46468/2023 seeking restoration of the petition.

4. By filing the present application [CM APPL. 49595/2024], the petitioner is seeking setting aside of order dated 13.08.2024 in CM APPL. 46468/2024, thereby, praying for restoration of the petition.

5. Having gone through the record of this case and previous orders passed by this Court, we find that despite statement given by learned Counsel appearing on her behalf on 24.11.2021, record of the learned Tribunal has also not been placed on record; rejoinder has not been filed despite direction of this Court vide order dated 09.11.2022 and also none has been appearing since 13.07.2023. We find that the petitioner has not been sincere in following up her case and thus, vide order dated 13.08.2024, the application and petition have rightly been dismissed for non-prosecution.

6. In view of the above, we find no ground in the present application and the same is accordingly dismissed.

7. Pending application also stands disposed of.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 29, 2024

uk/r