

Manohar

Vs

State of Karnataka and Others

Civil Appeal No. 10213 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

02.11.1995

ORDER

1. Leave granted.

2. In spite of an opportunity having been given to the respondents to file counter-affidavit by our order dated 11-10-1993, till date no counter-affidavit has been filed. The Tribunal had dismissed the case on the ground of laches. In view of the fact that the respondents have not controverted the explanation given for the laches, we find that there is some justification for the appellant to file the proceedings at a belated stage. However, the relief cannot be granted here since no counter-affidavit has been filed. In the circumstances, we remit the matter to the Tribunal to examine the case on merits and dispose of the matter according to law.

3. The appeal is disposed of accordingly. No costs.