

PETITIONER:
SRI MANOHAR

Vs.

RESPONDENT:
STATE OF KARNATAKA & ORS.

DATE OF JUDGMENT 02/11/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC Supl. (4) 218 JT 1995 (8) 404
1995 SCALE (6) 370

ACT:

HEADNOTE:

JUDGMENT:
O R D E R

Leave granted.

In spite of an opportunity having been given to the respondents to file counter-affidavit by our order dated October 11, 1993, till date no counteraffidavit 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 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.

The appeal is disposed of accordingly. No costs.