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

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Date of Decision : 13.03.2026

+ **W.P.(C) 6580/2019**

EX NVK (R) NAVEEN KUMAR (NO. 11371-T)Petitioner

Through: Ms. Tanya, Adv.

versus

UNION OF INDIA & ORSRespondents

Through: Mr. Vikrant Nilesh Goyal, Mr. Yash Basoya and Mr. Kunal Dixit, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 14734/2026(delay condonation) &
CM APPL. 14733/2026(restoration)

1. This petition was filed by the petitioner in the year 2019. The same was dismissed in default and for non prosecution on 30.08.2022.
2. The application CM APPL. 14733/2026 has been filed under Order IX, Rule 9, Civil Procedure Code (C.P.C.) for restoration of the writ petition along with application CM APPL. 14734/2026 seeking condonation of delay in filing the application.
3. Suffice to state that the reasons given by the petitioner seeking condonation of delay have been spelt out in paragraphs 4 to 10 as under:

“4. Further, the petitioner was also not informed by his



previous counsel that his Writ Petition was dismissed by the Hon'ble Court for non-prosecution. The petitioner, burdened by his problems at home and also in a very depressing state due to being dismissed from the service, was under bonafide belief that his petition was being diligently pursued before the Hon'ble Court.

5. It is also submitted that the relevant court orders were not duly reflected on the website, making it further difficult for the Petitioner to ascertain the status of his case independently.

6. It is submitted that the petitioner has now engaged a different counsel to pursue this matter. The petitioner, after dealing with his personal issues, was able to contact the previous counsel. The petitioner got his case file from the previous counsel and has engaged the present counsel to pursue his case in a bonafide way.

7. It is further submitted that the petitioner was able to complete certain veterinarian diploma courses in the meanwhile trying to secure his future prospects. The petitioner was stressed about getting employment and thus was relying upon the previous counsel to pursue his case in a bonafide manner. This was also one of the reasons that the petitioner was not able to file this restoration before. He was completely engaged in taking care of his family and trying to acquire skills which would enable him to seek formal employment.

8. The present application is for praying for condoning the delay taken in filing the application for restoration of Writ Petition (Civil) No.6580/2019. If the present Miscellaneous Application is not allowed the Petitioner will suffer irreparable loss and injury. The petitioner had genuine reasons for not reporting back within time and also after when the case was filed. It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to accept this application.

9. The Petitioner is and was also suffering from financial loss as well as health issues. The applicant is praying this Hon'ble Court to condone the delay in filing the application so that the applicant can lead a new life forward.

10. It is averred that the Petitioner has a good prima facie case and the balance of convenience is also in his favor, hence, due



to certain miscommunication or misunderstanding the Petitioner should not be made to suffer an irreparable loss, which the Petitioner may not be able to overcome.”

4. Having noted the averments made in the application, we also find that the writ petition lays a challenge to the dismissal order dated 13.04.2018. The dismissal was on account of unauthorised absence from duty in as much as he was marked as a deserter from the Indian Coast Guard Ship (ICGS), Samudra Paheredar on 01.12.2014. He surrendered at ICGS, Mumbai on 04.05.2017.

5. Pursuant to surrender, a disciplinary action was initiated against the petitioner as per the Coast Guard Act, 1978 and the rules framed thereunder.

6. The absence of leave with effect from 01.12.2014 till the date of dismissal was of 885 days. Given the nature of charge and no serious contest is being made on that count and the petition having been dismissed in default on 30.08.2022 that is almost four years back and the application for condonation of delay is filed seeking condonation of delay of 1268 days, without justifiable reasons, the application is dismissed.

7. In view of the above, the application seeking restoration under Order IX Rule 9 of C.P.C, is also dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 13, 2026/rt