$~30 to 44

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

\+ Crl.L.P. Nos.168/2011, 169/2011, 170/2011, 171/2011, 172/2011, 173/2011, 174/2011, 175/2011, 176/2011, 177/2011, 178/2011, 179/2011, 180/2011, 181/2011 and 182/2011.

HDFC BANK LTD. ..... Petitioner

Through: Mr.Sanjeev Sagar, Advocate.

versus

BHARAT LOGITRANS P.LTD. ..... Respondent

Through: Ms.Norun Nahar Firdausi, Advocate.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% **02.11.2011**

1. These are batch of 15 petitions, filed by the petitioner seeking leave to appeal.

2. I have heard learned counsel for the petitioner as well as the learned counsel for the respondent. The learned counsel for the petitioner has sought leave to appeal against the order dated 23.08.2010 on which date all these complaints filed by the present petitioner were dismissed for non-prosecution.

3. The learned counsel for the petitioner has contended that the non-appearance on 23.08.2010 was inadvertent on account of the fact that on the previous date the petitioner had instead of noting down the date as 23.08.2010 noted the date as 23.09.2010 and consequently failed to appear

Signature Not Verified
Digitally Signed By:AMULYA
Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

on 23.08.2010. It is contended that this is sufficient cause for non-appearance on 23.08.2010 and it is accordingly prayed that leave to appeal be allowed with directions to restore the complaints against the respondent so that they are decided on merits.

4. Learned counsel for the respondent has very fairly conceded that she has no objection to the restoration of the complaints provided the petitioner is granted leave to appeal subject to the payment of costs.

5. Having regard to the aforesaid facts, I feel that as sufficient cause has been shown by the petitioner for the non-appearance, accordingly, leave to appeals are granted and appeals are taken up on merits and the order dated 23.08.2010 dismissing the complaints of the petitioner for non-appearance is set aside and the matter is remanded back to the trial Court with directions that they shall be dealt with in accordance with law.

6. It is needless to state that this shall be subject to costs of ₹1000/- in each case to be paid to the respondent. Parties are directed to appear before the trial Court on 01.12.2011.

NOVEMBER 02, 2011/mr **V.K. SHALI, J**