

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.6207 of 2015

Date of decision: 19.09.2015

Raj Singh Hooda

...Petitioner

versus

Chandigarh Industrial and Tourism Development Corporation Limited

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Raja Bahadur Singh Jain, Advocate,
for the petitioner.

RITU BAHRI, J.

Challenge in this petition is to the order dated 06.08.2015 (Annexure P-1) passed by the Additional District Judge, UT, Chandigarh, whereby application filed by the respondent for condonation of delay of 139 days in filing the application for restoration has been allowed.

The objection petition filed by the respondent for setting aside the award dated 01.07.2010 passed by the sole Arbitrator-cum-Director Industries, Chandigarh Administration, was dismissed in default on 09.07.2013. In the application for condonation of delay in filing the application for restoration, it was stated that on account of wrong noting of date by the official of the department, Mrs. Shashi Kala, as 21.11.2013 instead of 09.07.2013, the case was dismissed in default. The case of the department before the Court was that if, the limitation is counted from 26.11.2013, then there was no delay.

The present petitioner had taken an objection to the application

for condonation of delay on the ground that the plea taken by the respondent that they came to know about dismissal of the suit on 26.11.2013 was false as the respondent-corporation had concealed the letter dated 13.11.2013, vide which, it has been informed that the suit had been dismissed on 09.07.2013 on account of non appearance of counsel. It was further stated that the objection petition has been rightly dismissed.

From the pleadings of the parties, following issues were framed:-

1. Whether there are sufficient grounds to condone the delay of 139 days in filing the objections? OPA
2. Relief.

The Court examined the official noting (Ex.A1), which showed the details of the proceedings attended by the official. As per this noting, Shashi Kala had attended the Court on 11.03.2013 and 10.05.2013. On 10.05.2013 the case was adjourned to 21.11.2013, but actually it had been adjourned to 09.07.2013. The respondent-corporation could not produce the movement register to show that Shashi Kala had left the office on 21.11.2013 to attend the Court. But, this will not go against the respondent-corporation. Moreover, it cannot be taken a ground to dismiss the application for condonation of delay.

The trial/executing Court has rightly considered that vide letter dated 26.11.2013, the respondent-corporation came to know with regard to dismissal of their petition. There was sufficient ground to condone the delay of 139 days in filing the application for restoration. The earlier letter dated 13.11.2013, which was posted by the respondent (petitioner herein), could not be taken a ground to dismiss the application for condonation of delay.

In view of the above, no ground is made out to interfere in the
impugned order.

Dismissed.

(RITU BAHRI)
JUDGE

19.09.2015
ajp