

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAO) No.1532 of 2015

Along with

Misc. Civil Application Stamp No.15920 of 2015

In

First Appeal No.306 of 1998

(Union of India, through Chief Engineer, Military Engineering Services,
Hydrabad, through Commander Works Engineer, Nagpur v. M/s. Steelfab
Engineering Corporation, Mumbai-32)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Shri P.J. Mehta, Advocate for Applicant.

Coram : R.K. Deshpande, J.

Date : 5th January, 2016

First Appeal No.306 of 1998 was admitted by this Court on 7-8-1998. It challenged the order passed under Section 17 read with Section 14(2) of the Arbitration Act, 1940 making the arbitration award dated 2-6-1992 as absolute. The matter was dismissed in default on 11-9-2014 and the application for condonation of delay has been filed for restoration on 13-8-2015. There is a delay of 307 days caused in filing an application for restoration.

I have gone through the contents of the application for condonation of delay. It is stated in the application that the matter was earlier entrusted to Shri Govind Mishra, Advocate, and after his demise, it was handed over to Shri Surendra

Mishra, Advocate. The panel lawyers of Union of India kept on changing, as a result, none appeared for the appellant on 11-9-2014, when the matter was called out for hearing.

After going through both these applications, I am satisfied that a sufficient cause is made out for condonation of delay and a case is also made out for restoration of appeal.

Hence, both these applications are allowed. First Appeal No.306 of 1998 is restored, subject to payment of costs of Rs.500/- to the High Court Bar Association, Nagpur, within a period of two weeks from today.

Upon restoration of the first appeal, issue fresh notice to the respondent, returnable on 1-3-2016.

The respondent be served by RPAD in addition to regular mode of service.

Smt. Anjali Joshi, Advocate, who was earlier appearing for the respondent, submits that she will supply the correct address of the respondent, to the learned counsel for the appellant.

In view of this, the appellant to take appropriate steps in the matter.

Judge.