

240.

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

Civil Revision No.1436 of 2015 (O&M)

Date of decision:15.03.2016

Sonia Gupta

... Petitioner

versus

IL&FS Investment Securities Limited and others Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Alok Mittal, Advocate,
for the petitioner.

Mr. Sandeep Suri, Advocate,
for respondents 1 and 2.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. An application under Section 34 of the Arbitration and Conciliation Act, 1996 was dismissed for failure to take steps for getting the substituted service done through publication. An application for restoration was filed and that was dismissed as withdrawn by the counsel. A fresh application was given by the petitioner stating that at the relevant time his child had expired and he could not go to instruct his counsel. He had never authorized him to withdraw the application.

2. An arbitral award which is sought to be assailed could not have been thrown without adjudication on merits if the party was interested in pursuing the same. For the indiscretion of allowing for the dismissal of the petition for default for failure to take steps and by not being diligent in giving appropriate instructions to the counsel, who was on record, I impose a cost of ₹10,000/- to be paid by the petitioner to the respondents within a period of 6 weeks from the date of receipt of copy of this order. The impugned order is set aside and the matter is remitted for consideration in accordance with law before the court below. If the amount is not paid as directed, the order already passed will stand restored.

3. The revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

15.03.2016
sanjeev