

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No 93 of 2017**

Ejaz Czar Proprietor American Desii, S/o Lt. Hamid H Czar, aged about 39 years,
R/o 8, Prem Kunj, Civil Lines, Raipur (C.G.)

---- Applicant/Petitioner**versus**

M/s Gupta Infrastructure (India) Pvt. Limited Through it's Director Shri Padmesh
Gupta 4th & 5th Floor, Temple Road, Civil Lines Nagpur- 440001 (Maharastra)

Raipur City Office

Chhattigarh City Centre Mall Pandri, Raipur (C.G.) 490004

---- Respondent

For Petitioner	:	Shri Akshay Sail, Advocate
For Respondent	:	None

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****10/02/2017**

1. This is an application filed for restoration of Arbitration Application No. 41 of 2014.
2. On 16.12.2016 when the matter was called out no one appeared for the Petitioner, despite that the case was not dismissed in default but adjourned to 23.12.2016. On 23.12.2016 also counsel for the Petitioner did not care to appear and the Arbitration Application was dismissed in default. After it was dismissed in default, the present application has been filed for restoration of the case and in this application, it is stated that the counsel for the Petitioner failed to appear on the aforesaid date as they overlooked cause-list and no word has been stated with regard to non-appearance on 16.12.2016.

However, I feel that the client should not suffer for the fault of the counsel.

3. Therefore, the application is allowed and Arbitration Application No. 41 of 2014 is restored subject to Petitioner depositing cost of Rs1,000/- to be paid to High Court Legal Services Committee within a period of 15 days from today. After the cost is paid and the receipt of the same is produced, the matter shall be listed for final hearing before the appropriate Bench.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE