

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 349 of 2018**

Rajendra Jaiswal, aged about 50 years, son of Shri Mohan Ram Jaiswal, R/o. Jarhi, P.S. Bhatgaon, Tahsil – Prataapur, District – Surajpur (C.G.)

----Petitioner/applicant No. 1

Versus

1. Prem Chand Sande, aged about 52 years, son of Shri Chhotelal Sande, R/o. Qtr No. Minus 693, Shakti Nagar, Jarhi, Police Station – Bhatgaon, Tahsil – Pratappur, Distt. Surajpur (C.G.) (Non-applicant)

2. Sanjay Singh (Wrongly mentioned as Sanjay Kumar), aged about 53 years, son of Shri Jagnarayan Singh (wrongly mentioned as Jainarayan Singh), R/o. Village – Jarhi, P.S. Bhatgaon, Tahsill – Pratappur, District Surajpur (C.G.)

---- Respondents/Defendants

For Petitioner : Shri Pushpendra Kumar Patel, Advocate.
For respondents No. : None

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/11/2018

1. By the impugned order dated 12.10.2017, petitioner's application under Section 34 of the Arbitration & Conciliation Act, 1996 (henceforth "AC Act, 1996") for setting aside ex parte award under the Act, 1996 has been rejected for non-payment of process fee.
2. Learned counsel for the petitioner would submit that impugned order is bad and unsustainable in law as the petitioner has sufficient cause for his non-appearance and also for non-payment of process fee on 12.10.2017.
3. I have heard learned counsel appearing for the petitioner.
4. Be that as it may, the petitioner is at liberty to file application for restoration of his application under Section 34 of the AC Act, 1996 showing sufficient cause for his non-appearance and also for non-payment of process fee on 12.10.2017, that will be considered and decided by the trial Court expeditiously in accordance with law.
5. With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

