

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE MS JUSTICE J. UMA DEVI

Civil Revision Petition No.4179 of 2018

Between:

Mahankali Jayalakshmi, W/o Raja Rao, aged about
60 years, R/o Ramalayam Road, Madira village
And Mandal, Khammam District

... Petitioner

Vs.

M/s. Shriram City Union Finance Ltd., having its
Registered office at 123, Angappa Naiken Street,
Chennai and having its Branch Office at Madhira,
Represented by its G.P.A. holder and authorized
Signatory Sri Y. Subramanyam and 3 others

.. Respondents

For Appellant : Mr. Parveen Kumar Veerjala

For Respondents : Mr. Kuncham Maheswara Rao

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Civil Revision Petition No.4179 of 2018

ORDER: (V. Ramasubramanian, J)

Aggrieved by the dismissal of an application for condonation of delay of 595 days, in seeking restoration of Arbitration Original Petition, the petitioner has come up with the above revision.

2. Heard Mr. Praveen Kumar Veerjala, learned counsel for the revision petitioner and Mr. Maheswara Rao Kuncham, learned counsel for the 1st respondent.

3. The petitioner filed Arbitration O.P.No.820 of 2014 under Section 34 of the Arbitration and Conciliation Act, 1996, challenging an award dated 07-02-2014. It appears that the Arbitration O.P. was dismissed for non-prosecution on 03-02-2016. In seeking restoration of the Arbitration O.P., a delay of 595 days occasioned. The Court below refused to condone the delay. Hence, this revision.

4. Technically, we cannot find fault with the order of the court below, as the question of condonation of delay depends primarily upon sufficient cause being shown. However, we cannot divest ourselves of realities. It appears that the fault was on the counsel. Therefore, the Court below could have taken a pragmatic approach.

5. In view of the above, the Civil Revision Petition is allowed, the impugned order is set aside. The delay in filing restoration application is condoned. The Court below is directed to pass orders on the restoration application and take up the main Arbitration O.P.

itself and dispose it of within a period of three months. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 12-09-2018

Ksn

