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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 201/2018 & C.M.No.18330/2018

M/S LOGWELL FORGE LTD.

..... Appellant

Through: Mr. P. R. Sikka and Mr. R. C. Gupta,
Advocates.

Versus

D D GULHATI

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.05.2018

This appeal impugns an order dated 14.11.2017, which the appellant states had come to their knowledge on 19.01.2018. The said order decreed an amount of Rs.4,37,903/- and Rs.150,000/- (total Rs.5,87,903) along with interest @ 10 % per annum from the due date i.e. 13.05.2013 till the date of realisation, as payable to the respondent/plaintiff towards arrears of salary, etc., for the tenure of his employment with the appellant (defendant). The appellant had entered appearance through counsel and had filed its Written Statement but chose not to participate in the proceedings. They were accorded due opportunity, as per law, to plead their case; they chose not to do so; having suffered a decree on their voluntarily withdrawal, non-participation in and abandonment of the suit proceedings, they cannot now seek setting aside of the judgment and decree and remand of the case simply on the ground that their counsel did not inform them of the date when the case is fixed.

The Court would note that the appellant is a corporate body and surely understands the meaning of non-participation in a civil trial of which it had full notice. Furthermore, the appellant was not entirely handicapped by lack of information or not being informed by their counsel the status of the case because most of the information about progress in a suit is easily available. There is nothing on the record as to when they contacted their counsel apropos the status of the case or that being not informed they have made a complaint against him. Simply alluding to negligence of the counsel is not a good enough reason for setting aside the impugned order.

In view of the above, the appeal is without merits and is accordingly dismissed. The pending application also stands dismissed.

NAJMI WAZIRI, J.

MAY 07, 2018
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