

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227. No. 856 of 2018

Suresh Singh Thakur S/o Late Shri Supiyar Singh, Aged About 48 Years R/o Plot No 174/21, Near Kali Temple, Kosabadi, Korba, Tahsil And District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Irrigation Department, Raipur, District Raipur Chhattisgarh.
2. Superintendent Engineer, Minimata Bango Bandh, Machadolikha, District Korba Chhattisgarh.
3. Executive Engineer, Hasdev Bango Division Rampur, Korba, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vivek Tripathi, Advocate.
For State	:	Shri Rajendra Tripathi, PL.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/01/2019

1. Petitioner's application under Section 34 of the Arbitration and Conciliation Act was filed in the year 2001 and by order dated 27.03.2015, the same has been dismissed for want of prosecution and when the petitioner filed an application for restoration alongwith application for condonation of delay, the same has been dismissed on 04.17.2015 on the ground of limitation.
2. I have heard learned counsel for the parties and perused the records.
3. The original application was filed under Section 34 of the Arbitration and Conciliation Act, 1996 on 19.12.2001 and evidence was recoded. It appears that petitioner's counsel failed to appear on 27.03.2015. It is the case of the petitioner that in the first half before lunch break, the application under Section 34 was dismissed for want of prosecution and taking into consideration the reason assigned for delay in filing the restoration application and that the petitioner was contesting the case under Section 34 since 19.12.2001. It would be expedient to grant application for restoration and set aside the impugned order.
4. Accordingly, civil Suit No.8A/2014 Suresh Kumar Singh Thakur Versus State of Chhattisgarh & Ors is restored for hearing in accordance with law. The District Judge Korba is directed to conclude the hearing of the suit within a period of three months from the date of receipt of a copy of this order, as

the case is pending consideration since fairly long time.

5. The writ petition stands finally disposed of.
6. A certified copy of this order be sent to the concerned trial Court directly and through Email and Fax.

Sd /-

(Sanjay K. Agrawal)
Judge