

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 30TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.7120 of 2019

in

O.P.No.371 of 2013

1 M/S.METROPOLITAN TRANSPORT
CORPORATION (CHENNAI) LTD., REP BY ITS
GENERAL MANAGER, PALLAVAN HOUSE,
ANNA SALAI,
CHENNAI - 600 002 ...Applicant/Petitioner

Vs

1 SOWIL LIMITED,
REP.BY ITS SECRETARY, GOOD WILL AVENUE,
PLOT NO.1, SECTOR NO.40, FIRST FLOOR,
NERUL, NAVI-MUMBAI 400 076

2 Hon'ble J.Kanakaraj, Arbitrator,
No.7, Justice Ramanujam Road,
Thiruvanmiyur, Chennai 41 ...Respondents/Respondents

Application praying that this Hon'ble Court be pleased
To set aside the dismissal order was passed in the above
O.P.No.371/2013 on 10.07.2019 and restore the same on this
Honble Court file.

This Application coming on this day before this court
for hearing the court made the following order:

This application is filed to restore O.P. No.371 of
2013.

2. I heard the learned counsel for the applicant and
the learned counsel for the respondents.

3. The learned counsel for the applicant submits that

<https://hcservices.ecourts.gov.in/hcservices/>
he examined the order dated 10.07.2019 of this Court in
O.P. No.371 of 2013 and has realised now that the said

order is not merely an order dismissing the petition for non prosecution, but also deals with the merits of the case. Accordingly, he submits that his remedy would be by way of an appeal.

4. The learned counsel for the respondents submitted that he filed counter in this application on 23.09.2019 under D.No.30459 of 2019.

5. In view of the submissions made by the learned counsel for the applicant, this application is dismissed. The applicant is at liberty to work out his remedies before the Appellate Forum.

Sd./- S.K.R.J.
30.09.2019

//Certified to be a true copy//

Dated this the day of 2018.

SU.03.10.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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