

A.No.2654 of 2020
in
O.P.D.No.64102 of 2020
(Filing Number)

M.SUNDAR.J.,

Read this in conjunction with and in continuation of earlier proceedings dated 30.11.2020, which in turn has to be read in conjunction with earlier proceedings dated 24.11.2020 and 09.11.2020.

2. The aforementioned proceedings dated 09.11.2020, 24.11.2020 and 30.11.2020 read as follows:

'09.11.2020 proceedings:

Captioned application has been filed with a prayer to condone six days delay in filing aforementioned Original Petition Diary No.64102 of 2020 (Filing Number).

2. Mr.S.Mahesh Kumar, learned counsel on record for the five applicants submits that the impugned award is dated 26.11.2019, it was received by all the five petitioners on 09.12.2019, three months from the date of receipt of impugned award by petitioners elapsed on 10.03.2020, delay of a period of 30 days thereafter is condonable, but on 15.03.2020, Hon'ble Supreme Court passed orders in suo-moto W.P.No.3 of 2020 enlarging/extending limitation in such matters,

aforementioned original petition ultimately came to be email filed on 26.08.2020, when the order of Hon'ble Supreme Court was operating, saying so, learned counsel submits that six days delay has been computed by taking into account the period from 10.03.2020 to 15.03.2020.

3. Learned counsel draws the attention of this Court to Paragraph Nos.25 and 26 of the affidavit filed in support of captioned application (affidavit dated 31.07.2020) and submits that he is entitled to have delay condoned.

4. Inter-alia, in the light of the reasons set out in Paragraph Nos.25 and 26, issue notice to both respondents returnable by 24.11.2020. Learned counsel seeks permission to take out private notice. Permitted.

5. Learned counsel seeks permission to take out private notice through electronic modes of communications also besides conventional modes of communications. Permitted to do so.

6. List on 24.11.2020.

24.11.2020 proceedings:

Read this in conjunction with and in continuation of earlier proceedings dated 09.11.2020.

2. Today, Mr.S.Mahesh Kumar, learned counsel on record for five applicants and Mr.Thomson learned

counsel representing Mr.M.Arunachalam, who has entered appearance on behalf of first respondent are before me in this web hearing on a video conferencing platform.

3. Learned counsel for applicants, adverting to Paragraph No.4 of previous proceedings dated 09.11.2020 submits that both respondents have been duly served. Learned counsel submits that an affidavit of service has been duly filed vide Diary No.18052 of 2020 dated 23.11.2020. This affidavit of service has been placed before me.

4. Registry to show the name and full/complete address of second respondent as in the application cause title in the next listing.

5. List on 30.11.2020.

30.11.2020 proceedings:

Read this in conjunction with and in continuation of earlier proceedings dated 24.11.2020.

2. Pursuant to earlier proceedings, name of the second respondent with full/complete address has been shown in the cause list today. This Court is informed that no one has entered appearance and there is no representation for the second respondent.

3. Learned counsel for first respondent seeks a short accommodation to get instructions.

List day after tomorrow (02.12.2020).'

M.SUNDAR.J.,

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3. Today, Mr.M.Arunachalam, learned counsel, who has entered appearance on behalf of the contesting first respondent, submits that he has no objection/opposition to the prayer for condonation of delay in filing being acceded to.

4. To be noted, second respondent who is the sole arbitrator who made the impugned award has not chosen to come before this Court or enter appearance through counsel. In other words, the second respondent has not chosen to oppose the prayer in the captioned application.

5. In the light of the narrative thus far, captioned application is ordered as prayed for. There shall be no order as to costs.

WEB COPY 02.12.2020

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