

C.M.P. 23124 of 2019
and
C.R.P.SR 65836 of 2019

V.BHARATHIDASAN, J.

This petition is filed seeking to condone the delay of 458 days in filing the above C.R.P. This Civil Revision Petition has been filed against the award passed in a arbitration proceedings.

2. According to the petitioners, earlier the matter was referred to Mega Lok Adalat, wherein it was not settled, and the matter was sent back to the Trial Court. In the meantime, there was a reempanelment of Counsel for petitioners, and the previous counsel failed to inform about the proceedings. Only after receipt of order of attachment issued in E.P., the petitioners came to know about the order of attachment. Thereafter, they have applied for certified copy of order, and after getting the approval from the higher authority, the present Civil Revision Petition has been filed. Hence, there is a delay of 458 days.

3. Per contra, Mr. J.D.Srikanth Varma, learned counsel appearing for respondent filed a counter affidavit disputing those averments made in the affidavit, and stated that, in pursuant to the arbitration award was passed in the year 2014, only part of the award amount was paid by the petitioners, and for the remaining award amount, the petitioners have filed Execution Petition. The petitioners fully aware of the pendency of the Execution Petition and contested the E.P. Now, it is not open to state that, they have no knowledge

about the order passed by execution court.

4. I have considered rival submissions and perused the materials.

5. The reasons stated in the affidavit filed by the petitioners that, due to change of Counsels, the previous counsel failed to inform about the proceedings, and the cause shown by the petitioners for the delay, in my view is bonafide. In the above circumstances, I am inclined to condone the delay. However, considering the long delay in filing the above C.R.P., this Civil Miscellaneous Petition is allowed on payment of Rs.5000/- payable to Cancer Institute, Adyar, Chennai on or before 06.03.2020.

5. Registry is directed to number the Civil Revision Petition, if the papers are otherwise found to be in order, and post the matter for admission on 25.02.2020.

सत्यमेव जयते

18.02.2020

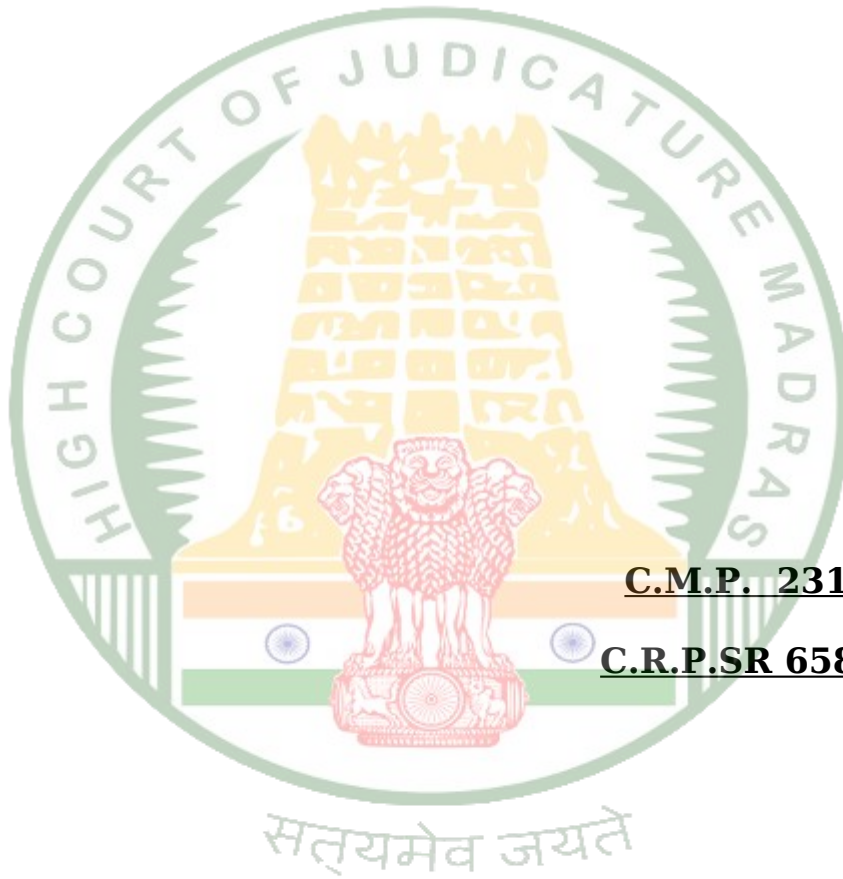
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Note : Issue order copy on 20.02.2020

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