

A.No.9291 of 2019
in
O.P.No.363 of 2017

M.SUNDAR.J.,

Instant application has been filed by the petitioner in main 'Original Petition' ('OP' for brevity), with a prayer for 'Condonation of Delay' ('COD' for brevity) in filling an application to restore the main OP, which was dismissed for default on 27.06.2018 by predecessor Hon'ble Judge.

2.Mr.K.S.Ramakrishnan, learned counsel for applicant/petitioner and Mr.G.Ashokapathy, learned counsel of M/s.Pass Associates (Law Firm) on behalf of respondent/respondent are before this Court.

3.Though respondent has filed a counter affidavit, learned counsel for respondent, in the light of sub-section (6) of Section 34 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)', which shall hereinafter be referred to as 'A and C Act' for brevity, submitted that the COD prayer can be acceded to and main OP can be restored without going through the formality of a separate restoration application, if the petitioner is ready to argue the main OP today.

M.SUNDAR.J.,

gpa

4. In response to above submission, learned counsel for petitioner submitted that he is ready to argue the main OP.

5. In the light of consent/consensus between the parties, without expressing any opinion on the merits of the COD prayer, instant application is ordered as prayed for and main OP is restored to file without going through the formality of separate restoration application.

Instant application ordered on above terms (To be noted, main OP has been taken up, heard out and disposed of vide a separate order today).

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