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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 18.02.2020.*

+ W.P.(C) 11411/2018

ANUBHAV JAIN

..... Petitioner

Through: Mr. Robin George and Mr. Mohd
Zeeshan Ansari, Advocates.

versus

THE CMD AIR INDIA

..... Respondent

Through: Mr. Lalit Bhasin, Ms. Ratna Dwivedi,
Ms. Ananya Marwah, Mr. Aayush
Gupta and Mr. Ajay Pratap Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This petition impugns the order of the learned CGIT dated 14.12.2017 passed in ID No. 99/2017, dismissing the petitioner's case as 'No Dispute/Claim' Award, because of default in appearance and for default in leading of evidence. It is the petitioner's case that the said default was not deliberate but only because of the inability of the petitioner's AR in appearing before the learned Tribunal as the case had been shifted from one end of the city to the other i.e. from Karkardooma Court to Dwarka Court.
2. The petitioner had otherwise consistently appeared before the Karkardooma Court where the case was earlier listed. He last appeared on

01.09.2017. The case was dismissed when it was next listed before the Dwarka Court on 14.12.2017.

3. The consequence of default of counsel in appearing before the latter Court on just one date, i.e. the first date when it was listed before the newly assigned Court in Dwarka cannot be so precipitate to the petitioner, as to render him remediless. His counsel's fault cannot be so severely visited upon him.

4. In the circumstances, in the interest of justice, the impugned order is set aside and the case is remanded to the learned Tribunal for adjudication of the case.

5. The parties shall appear before the learned Tribunal on 18.03.2020. The learned counsel for the parties assure the Court that they will assist the learned Tribunal on every date when the case is so listed and shall not seek any adjournment for any reason whatsoever.

6. Since the case pertains to a *lis* which is eight years old and emanates from the dismissal of the petitioner on 14.08.2013, the learned Tribunal is requested to endeavour to dispose-off the case, preferably within a period of six months from the date when the case is next listed before the learned Tribunal.

7. The petition is disposed-off in the above terms.

NAJMI WAZIRI, J

FEBRUARY 18, 2020

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