

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

O.P.No.1077 of 2019

&

A.No.9811 of 2019

D.Geetha

... Petitioner

Vs

1. Shriram Transport Finance Co. Ltd.,
Represented by its P.A.Holder
Mr.S.Varadhan
“Mookambika Complex”
7th Floor, No.4, Lady Desika Road
Mylapore, Chennai – 600 004

2. L.Murugesan

...Respondents

Original Petition filed under Section 34(2) of the Arbitration and Conciliation Act, 1996 to set aside exparte award passed on 30.08.2019 by the sole Arbitrator, to award costs of the proceedings to the petitioner and to pass such other or other reliefs as deemed fit and proper by this Court in the circumstances of the case.

For Petitioners : No appearance

For Respondents : No appearance

ORDER

Read this in conjunction with and in continuation of earlier proceedings made in the last three listings on 23.03.2021, 25.03.2021 and 29.03.2021, which read as follows.

'Proceedings dated 23.03.2021:

'Mr.M.Raghupathi, learned counsel on record for two respondents is before this Virtual Court, but there is no representation for lone petitioner.

2. With the intention of giving an opportunity to petitioner and petitioner's counsel, list this matter under the same caption day after tomorrow i.e., on 25.03.2021.'

'Proceedings dated 25.03.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 23.03.2021.

2. Mr.M.Raghupathi learned counsel on record for two respondents who is before this Virtual Court submits that the lis between parties has been settled. However, there is no representation for lone petitioner today also.

3. With the intention of giving an opportunity to petitioner and petitioner's counsel, list this matter on Monday i.e., on 29.03.2021.'

**(underlining made by this Court to
supply emphasis and highlight)**

'Proceedings dated 29.03.2021

Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 25.03.2021.

2. Today, there is no representation for both sides. In other words, today there is no representation for the respondents also.

3. Be that as it may, in the light of the earlier proceedings made in previous listing on 25.03.2021 and owing to there being no representation for the sole petitioner today also, list this matter under the caption 'FOR DISMISSAL' tomorrow (30.03.2021).

2. Pursuant to aforementioned proceedings, captioned OP and captioned application are listed under the cause list caption 'FOR DISMISSAL' today. The position is no different today. In other words, today also there is no representation for both sides. This means that there has been no representation for the petitioner for four consecutive listings (including today) though the matter is listed under the caption 'FOR DISMISSAL' today. This Court has also noticed that learned counsel for respondents on 25.03.2021 submitted that the lis between the parties has been settled.

In the light of the narrative thus far, captioned OP i.e., O.P.No.1077 of 2019 and captioned application i.e, A.No.9811 of 2019 are dismissed for default / non-prosecution. There shall be no order as to costs.

31.03.2021

gpa

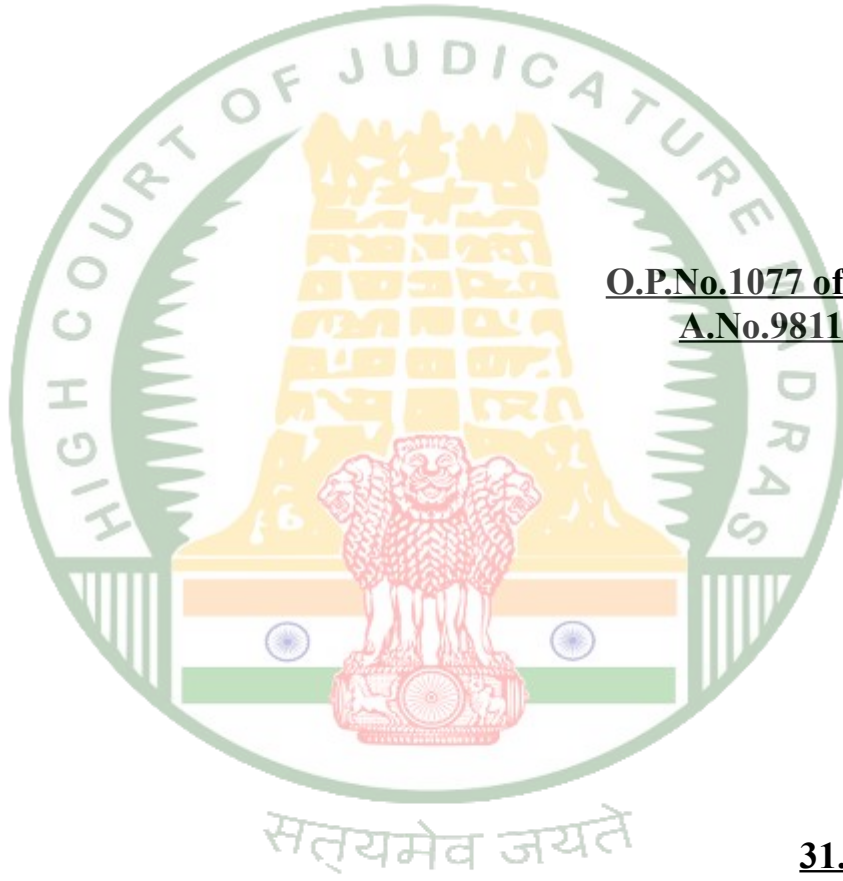


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O.P.No.1077 of 2019 &
A.No.9811 of 2019

M.SUNDAR.J.,

gpa



**O.P.No.1077 of 2019 &
A.No.9811 of 2019**

31.03.2021

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