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*A.No.1416 of 2022
in OP.No.1007 of 2015*

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in
O.P.No.1007 of 2015

M.SUNDAR, J

Captioned application has been filed with a prayer to restore captioned main 'Original Petition' [hereinafter 'OP' for the sake of brevity] which was dismissed for default on 20.10.2021.

2. To be noted contesting respondents namely respondents 1 and 3 have been duly served in the captioned application. Respondents 1 and 3 are shown in the cause list today but there is no representation. This Court is informed that respondents 1 and 3 have not chosen to enter appearance through any counsel. This means that the contesting respondents namely respondents 1 and 3 have not chosen to come before this Court to oppose the restoration prayer in captioned application.

3. To be noted, second respondent is the Hon'ble Sole Arbitrator who constituted the Arbitral Tribunal which made the impugned award and it is also to be noted that the second respondent is no more. In any event presence of Hon'ble Sole arbitrator is not necessary (owing to the grounds) as one of the respondents for disposal of captioned application and captioned main OP.



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4. Mr.K.Arun Pradeesh of M/s.AAV Partners (Law firm) on behalf of applicant, adverting to the support affidavit, particularly paragraph 5 thereat submits that in October of 2021 the hearings were virtual and the applicant [petitioner in main OP] could not represent the matter when called only owing to a technical glitch when the matter was called though the counsel for applicant/petitioner had logged in. To be noted paragraph 5 of affidavit filed in support of captioned application reads as follows:

'05. I submit that, thereafter the aforesaid case has been listed on 20.10.21 for arguments. The Applicant Counsel was present and connected with the High Court official video conference network for placing arguments in the above case until 12.15.p.m when item No..30 was going on. However due to technical glitch, all of sudden the network signal was lost before item could reach and the Applicant Counsel was not able to connect forthwith after the disconnection. When the network got reconnected the Applicant Counsel noted that the case got spilled over and item No.33 has been called for hearing. Subsequently on the same day, when the Applicant Counsel enquired about the status of the case with the Bench clerk during lunch break at 1.30.p.m, it has been informed that the Original Petition has been dismissed for default. Immediately, the Counsel for Applicant has mentioned about the inconvenience occurred due to the technical glitch before the Hon'ble Court at 2.15.p.m and thereafter the present application to restore the same is being filed.'



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5. This Court having perused the affidavit filed in support of captioned application, having heard learned counsel for applicant/petitioner, noticing that the contesting respondents in the main OP have not chosen to come before this Court and oppose the restoration prayer in captioned application in spite of being duly served and having noticed that the prayer is innocuous as acceding to the same would only result in main OP being heard out on merits, is of the view that it would serve ends of justice to accede to the restoration prayer.

6. Captioned application ordered as prayed for and the sequitur is captioned main OP is restored to file. There shall be no order as to costs.

30.03.2022
(1/2)

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