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Application No. 1226 of 2023
in
Arbitration. O.P. DR. No. 9143 of 2022

K. KUMARESH BABU, J.

This application has been filed by the applicant challenging the order passed by the learned Master of this Court in rejecting its application to condone the delay in re-presenting the Original Petition which had been filed by them invoking the provisions of Section 34 of the Arbitration and Conciliation Act.

2. Mr.Su. Srinivasan, learned counsel appearing for the applicant relied upon the order passed by this Court in a similar case which had ended in O.S.A.No. 66 of 2023 by judgment dated 29.03.2023 and contended that this application had to be allowed by setting aside the order passed by the learned Master.

3. From the above said judgment in O.S.A., it could be seen that the learned Single Judge of this Court in Application No. 5926 of 2022 in O.P.SR.No. 9143 of 2022 dated 24.01.2023 had originally set aside a similar order passed by the learned Master, but, however, the learned Single Judge



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had imposed costs of Rs.25,000/- payable by the applicant.

4. Being aggrieved the order passed by the learned Single Judge, the applicant therein had preferred intra-Court appeal. In the said intra-Court appeal, in O.S.A.No. 66 of 2023, a Division Bench of this Court by judgment dated 29.03.2023 modified the order of the learned Single Judge therein by deleting the costs imposed while condoning the delay of 264 days in re-presenting the papers in Arb.OP.SR.No. 9143 of 2022.

5. In view of the earlier order passed by the learned Single Judge in Application No.1232 of 2023 dated 03.03.2023 which had been modified by the Division Bench of this Court in O.S.A.No. 66 of 2023, by judgment dated 29.03.2023. I am inclined to set aside the impugned order passed by the learned Master.

6. Accordingly, this application is allowed. However, there shall be no order as to costs.

16.06.2023

msm



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