



A.No.3487 of 2023

Application No.3487 of 2023

in

O.P.No.736 of 2017

WEB COPY

ABDUL QUDDHOSE, J.

M/s.A.S.Cargo Movers Pvt. Ltd.,
Amminjikarai,
Chennai – 29.

... Applicant

Versus

State Industries Promotion Corporation of Tamil Nadu Ltd.,
Rep. By its Managing Director,
Egmore, Chennai.

... Respondent

This application has been filed seeking to condone the delay of 204 days in filing the petition to restore the Original Petition No.736 of 2017, which was dismissed for non-prosecution on 10.03.2020.

2. In the affidavit filed in support of the application, the petitioner/applicant herein has stated that when the arbitration OP came up for final disposal before this Court on 06.06.2019, the petitioner's earlier counsel Mr.Chandrasekaran had relinquished his vakalat and no counsel was engaged by the petitioner to replace him. Once again, the matter was listed for hearing on 07.06.2019 and since no counsel had represented the



A.No.3487 of 2023

case on behalf of the petitioner, this Court had dismissed the OP for non-prosecution on 07.06.2019. Thereafter, after hearing the parties, this Court had allowed the application for restoration of O.P.No.736 of 2017 on 10.02.2020. However, for the second time, when the matter was taken up on 10.03.2020, there was no representation on behalf of the petitioner. Hence, this Court had dismissed the said OP for non-prosecution on 10.03.2020.

3. According to the petitioner, there was a communication gap between them and the new counsel and due to the same, there was some delay, which has resulted in filing of this application seeking to condone the delay of 204 days in filing the petition to restore the OP, which was dismissed for non-prosecution on 10.03.2020.

4. Till date, no counter affidavit has been filed in this application. The matter is listed today under the caption “for counter and disposal”. Since no counter affidavit has been filed disputing the contentions of the petitioner, this Court will have to allow this application. Accordingly, this application is allowed and the Registry is directed to number the application to restore



A.No.3487 of 2023

O.P.No.736 of 2017, which was dismissed for non-prosecution on 04.08.2023.

5. List the matter on 04.08.2023 for hearing the restoration application, by printing the name of Mr.J.V.Niranjan as the counsel for the applicant/petitioner.

28.07.2023

rkm



WEB COPY



A.No.3487 of 2023

ABDUL QUDDHOSE, J.

rkm

Application No.3487 of 2023
in
O.P.No.736 of 2017

28.07.2023