



A. No.4877 of 2024

P.B.BALAJI, J.

The Application has been filed to condone the delay of 1783 days in filing the above Application to restore the main Arb.O.P. No.803 of 2017 which was dismissed for default on 15.07.2019.

2. Heard Mr.S.Rathnasabapathy, learned counsel for the Applicants and Mr.N.Premkumar, learned counsel for the respondent.

3. The learned counsel for the Applicants submits that the delay was only on account of the intervening COVID-19 pandemic situation and also the fact the learned counsel has met with an accident and unable to attend to regular official work and consequent to that there was no representation before this Court and the Arb.OP.No.803 of 2017 was dismissed for non prosecution on 15.07.2019.

4. The learned counsel for the respondent would submit that the delay is more than 1700 days and the same has not been properly explained. He would also bring to my notice that in A.No.6196 of 2017, a conditional stay order dated 21.11.2017 has been passed by this Court, directing the Applicants to pay a sum of Rs.10,00,000/- within a period of eight weeks and the same has also not been complied with by the Applicants.



P.B.BALAJI, J.

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5. Considering the over all facts and circumstances of this case, it would be just and proper to direct the Applicants to deposit atleast the said sum of Rs.10 lakhs as ordered by this Court even as early as on 21.11.2017, as a pre-condition to condone the delay of 1783 days in filing Application to restore the petition. The Applicants are directed to pay to the respondent, initially, a sum of Rs.5,00,000/- (Rupees Five Lakhs only) within four weeks and thereafter, another Rs.5,00,000/- (Rupees Five Lakhs only) within the next four weeks.

6. Accordingly, this Application is ordered with the above terms and post the matter after eight weeks 'for compliance'.

22.11.2024

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