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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 858/2011**

INTERCRAFT LIMITED

.....Petitioner

Through: Mr. Puneet Saini, Advocate

versus

ASSISTANT PROVIDENT FUND COMMISSIONER AND ORS

.....Respondents

Through: Mr. Anuj Kapoor, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

03.02.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 6629/2025 (for restoration)

1. The petitioner seeks restoration of the petition dismissed in default on 29.11.2024. It is submitted by learned counsel for petitioner that on 29.11.2024, he intended to appear through videoconferencing but due to electricity breakdown, he could not. Of course, as repeatedly observed by this Court, all advocates must encourage appearance through videoconferencing in order to ensure optimum participation. But at the same time, it is also the duty of the counsel to ensure that the system works properly. Not only this, as reflected from record, earlier also this petition was dismissed in default and was restored but despite that there were multiple defaults in appearance on behalf of petitioner.

2. Learned counsel for respondents appearing on advance intimation accepts notice of the application and strongly opposes the same.



3. Despite the aforesaid laxity on the part of petitioner, I would still prefer to be guided by the cardinal principle of justice that disputes should be decided on merits instead of defaults.

4. Subject to the petitioner depositing cost of Rs. 20,000/- with DHCLSC within one week, the application is allowed and the petition is restored.

W.P.(C) 858/2011

5. Relist on 05.08.2025.

GIRISH KATHPALIA, J

FEBRUARY 3, 2025/as

Click here to check corrigendum, if any