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

+ **ARB.P. 1244/2023**

DIAGNO LABS PVT LTD

..... Petitioner

Through: Mr. Praveen Mahajan and Mr. Kunal,
Advocates

versus

ATLANTA MEDIWORLD PVT LTD

..... Respondent

Through: Mr. Praveen Mahajan, Mr. Kunal
Nema, Advocates for the Non
applicant
Mr. Anchit Srirat, Advocate

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

18.03.2024

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I.A. 6272/2024(under Section 151 CPC)

1. The present application has been filed on behalf of the respondent submitting that due to the bereavement in the family of the counsel for the respondent, none could appear on the date of hearing.
2. Even though an adjournment slip was circulated on 31.01.2024 on the e-mail ID of the Courtmaster as per the note mentioned in daily cause list of this Court.
3. It is therefore submitted that the Order dated 31.01.2024 which records that none has appeared on behalf of the respondent seems to have been passed oblivious of the fact that the respondent had circulated an adjournment slip. A prayer is therefore made that the Order be recalled.
4. Learned counsel for the petitioner submits that the learned Arbitrator



has entered reference and two Notices have been given on 29.02.2024 and 04.03.2024 despite which none has appeared on behalf of the respondent. Next date of hearing is fixed for 05.04.2024 by the learned Arbitrator for preliminary hearing. He also submits that he has also forwarded the last Order of the learned Arbitrator to the learned counsel for the respondent.

5. Submissions heard.

6. Learned counsel for the respondent submits that without prejudice to his rights to take all the defences before the learned Arbitrator, the application may be disposed of.

7. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MARCH 18, 2024/PT