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

+ **W.P.(C) 6671/2007 & CM APPL. 20989/2024**

RAJNI

.....Petitioner

Through: Mr. Rajnesh Kumar, Adv. with
Petitioner in person.

versus

THE MANGEMETN RAISIAN BEGALI SCHOOLRespondent

Through: Mr. Anukul Raj, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

02.08.2024

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CM APPL. 20989/2024 *[Seeking restoration of the present Petition]*

1. This is an Application filed on behalf of the Petitioner seeking restoration of the present Petition.
2. Learned Counsel for the Petitioner submits that he was unable to appear on the last-to-last date of hearing as his personal matter was listed in another Court and on last date of hearing, i.e. 08.04.2024 when the Application for restoration was listed, he joined the proceedings through Video Conferencing but due to a connection error he could neither be seen nor heard.
3. Learned Counsel for the Respondent objects to this Application. He submits that the case has been dismissed in default by this Court for non-appearance on more than one occasion and the Petitioner is not diligently prosecuting the case.
4. In any event, he submits that even on merits, the matter is covered by



a Judgment of Supreme Court passed in *Haryana Suraj Malting Ltd. v. Phool Chand*, (2018) 16 SCC 567, wherein it stated that Labour Court/Tribunal does not become functus officio after passing an *ex-parte* award and still retains power to entertain application to set aside such award on sufficient cause being shown by the party for non-appearance. It is, thus, contended that the Impugned Order of the learned Labour Court suffers from no infirmity.

5. At request, list on 09.09.2024 in the Supplementary list.

TARA VITASTA GANJU, J

AUGUST 2, 2024/SA

Click here to check corrigendum, if any