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A.No.4501 of 2026
in
EP.DR.No.180402 of 2025

MASTER
11.11.2026

ORDER

1. This application has been filed by the applicant to condone the delay of 117 days in re-presenting the original petition in EP.DR.No.180402 of 2025.

2. The reason stated for the delay is that the applicant inadvertently misplaced the case bundle and after thorough search traced out case bundle rectified certain defects and after carrying out the due compliances re-presented the case papers. Therefore, the returned papers by the Registry could not be re-presented in time.

3. Now the point to be decided is that whether the delay of 117 days can be condoned or not?

4. This court has come across an order of our Hon'ble Division Bench in OSA.No.66 of 2023 to condone the delay of 267 days in representation in an application in which the Hon'ble Division Bench condoned the delay by deleting the cost imposed. The extracted portion is hereunder.

"It is seen that the delay has occurred only in respect of re-presenting the original petition filed against the award passed by the first respondent Arbitrator and not in filing the same. Admittedly, this Court has dealt with umpteen number of cases, extending some leniency for condoning the delay. Applying the same analogy and also considering the explanation offered by the appellant for the delay in re-presenting the petition papers, this court is inclined to modify the order of the learned Judge, by deleting the costs of Rs.25,000/- imposed on the appellant, while condoning the delay in

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re-presenting the petition."

5. This order of Hon'ble Division Bench was followed by the Hon'ble Single Judge in A.No. 1219 of 2023 in Arb.OP.DR.NO. 9142 of 2022 and the same was allowed without cost. The portion extracted is hereunder.

"In view of the earlier order passed by the learned single Judge in Application No.1232 of 2023 dated 03.03.2023 which had been modified by the Division Bench of this Court in O.S.A.No. 66 of 2023 by Judgment dated 29.03.2023, I am inclined to set aside the impugned order passed by the Learned Master.

Accordingly, this application is allowed. However, there shall be no order as to costs".

6. Following the orders passed by our Hon'ble Division Bench in OSA.No.66 of 2023 which was followed by the Hon'ble Single Judge in A.No.1219 of 2023 in Arb.OP.DR.No.9142 of 2022, this court has no hesitation to take lenient view in this application and is inclined to allow this application.

Accordingly, this application is allowed. No order as to cost.

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