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

+ **W.P.(C) 11197/2022**

SANTOSH RAWAT

.....Petitioner

Through: Ms. Meghna De and Mr. Ishaan Goel,
Advocates

versus

SAGAR RATNA RESTAURANT PVT LTD & ANR.

.....Respondents

Through: Mr. Siddharth Parashar, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2026

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1. The present petition has been filed seeking setting aside of the order dated 31.01.2019 passed by the learned Labour Court No. IX, *Dwarka* Courts, Delhi *vide* which the impugned award came to be passed.
2. Learned counsel for the petitioner, while assailing the impugned award, submits that the same was passed without evidence being led in the case. Even though the petitioner had furnished evidence by way of an affidavit, however, on account of a wrong noting of the date, the petitioner could not appear for cross-examination on 31.01.2019, when the right to lead evidence was closed and the award was passed on the very same date. She submits that, thereafter, the petitioner also preferred an application on 16.04.2019 for seeking setting aside of the impugned award, however, the said application also came to be dismissed on 03.02.2020.



3. Insofar as the petitioner's non-appearance is concerned, learned counsel for the petitioner has taken the Court through the proceeding sheets which reflect that the petitioner's examination-in-chief was recorded on 09.01.2018, whereafter the matter was adjourned on the request of learned counsel for the management. She submits that the petitioner's non-appearance was only on account of wrong noting of the date and that immediate steps were taken thereafter to set aside the impugned award.

4. Learned counsel for the respondent, on the other hand, contends that the petitioner has been remiss and despite the grant of three opportunities, could not present himself for cross-examination.

5. I have gone through the proceeding sheets as well as the impugned award. A perusal of the proceedings would show that the claim was initially filed in the year 2014 before the Conciliation Officer, whereafter the disputes were referred to the learned Labour Court. On completion of pleadings, the petitioner was examined-in-chief on 09.01.2018. On the said date, cross-examination was deferred as learned counsel for the management was not present. On 15.05.2018, the matter was referred to the Lok Adalat for exploring the possibility of an amicable settlement. On 05.09.2018, both the petitioner as well as the management remained unrepresented, however, on 05.12.2018, while the petitioner was present, the management was unrepresented and the matter was fixed for 31.01.2019. The petitioner failed to appear on the said date statedly for the reason that he had noted a wrong date, and when the petitioner appeared on 15.03.2019 for his cross-examination, he became aware of the passing of the impugned award.

6. From above, it is clear that the petitioner failed to appear only on one date i.e., on 31.01.2019, the date on which the petitioner's evidence was



closed and the impugned award was passed. The reason given by the petitioner is sufficient enough for this Court to set aside the impugned award. Accordingly, the petition is allowed and the impugned award is set aside. The matter is remanded back to the learned Labour Court. The petitioner would appear on the next date of hearing when the management would be at liberty to cross-examine. Let the matter be listed at the first instance before the Labour Court on 23.03.2026.

7. In view of the above, the present petition is disposed of.

8. Let a copy of this order be communicated to the concerned Labour Court.

MANOJ KUMAR OHRI, J

MARCH 11, 2026

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