

Arb 409 of 2019 Harsaran Kaur Vs. UOI

Present: Sh. Manav Dhiman Advocate counsel for the appellant
Respondent No. 3 exparte.
Sh. Harish Kumar Aggarwal Advocate counsel for the
respondents No. 1 and 2.

Heard on the application filed by the respondents No. 1 and 2
for setting aside the exparte order dated 31.01.2024.

The file reveals that Sh. A.S.Billing Advocate was earlier
appearing on behalf of the respondents no. 1 and 2 and the matter was
fixed for filing reply. However on the date adjourned for filing reply i.e.
on 31.01.2024 none appeared on behalf of respondents no. 1 and 2 and
they were proceeded against exparte. The case was at the state of filing
reply to the petition under order 34 of the Arbitration and Conciliation Act
and was at its initial stage, the matter however was pending since long for
filing reply which respondents no. 1 and 2 were proceeded against
exparte.

It is cardinal principle of law that no party should go
unheard and every person has a right to get his matter disposed off on
merits. Hence in view of this principle and in view of the fact that the case
is at its initial stage, the exparte proceedings are set aside qua respondents
no. 1 and 2. However, the matter was pending since long for filing reply
to the main petition; hence this court deems it appropriate to order that the
exparte proceedings against respondents No. 1 and 2 are set aside subject
to the condition that the respondents no. 1 and 2 shall file reply to the
main petition on 16.04.2025. The application for setting aside exparte
proceedings is accordingly disposed off.

Now case is adjourned to 16.04.2025 for filing reply
to the main petition.

Date of Order: 19.03.2025.
tanu sharma

(Harinder Sidhu)
ADJ/AA/MACT
UID No. (PB00130)