

Union Of India Vs Ajit Singh etc.

Present: Sh.Abhilaksh Gaind, Advocate for petitioners
Sh.Vikas Garg, Advocate for applicant/respondent No.1IA

Heard. Under disposal by means of this order is an application filed by the applicant/respondent No.1 for setting aside the exparte order dated 30.11.2022 whereby the respondent No.1 was proceeded against exparte. As per contentions raised in the application, due to old age and ill health, the applicant forgot to inform his attorney and counsel about the date of the present case and when on 20.12.2022, he contacted his counsel to appear in this case, he came to know about exparte proceedings dated 30.11.2022 passed against him. The non appearance of applicant/respondent No.1 was neither willful nor intentional, in consequence, a prayer for joining the proceeding of the present case has been made.

Without disputing much the pleas raised in the application and referring such pleas to be matter of record, the petitioners have simply prayed for disposal of the application in accordance with law.

I have perused the records and have heard the learned counsels for the parties. Perusal of the file shows that on 30.11.2022, the applicant/respondent No.1 was proceeded against exparte as RC receipts dated 26.08.2022 and 17.10.2022 were placed on record and a period of more than 30 days had already expired. The case was called repeatedly on the said date but due to non appearance of applicant/respondent No.1, he was proceeded against exparte on that date. Thereafter, he filed the present application on 21.12.2022 after passing of the said order and has

requested for allowing him to join the proceeding. The present case relates to petition u/s 34 of the Arbitration & Conciliation Act and the presence of all the interested parties would be helpful in reaching just conclusion of the case. No prejudice would be caused to the petitioners if the respondent No.1 is allowed to join the proceedings of the present case. As such, the application stands allowed and accordingly disposed off, subject to cost of Rs.500/-. Now for payment of cost, case stands adjourned to 05.08.2024.

Dated: 28.05.2024
*Gurpreet Kaur**

(Charanjeet Arora)
Addl.District Judge, Jalandhar,
UID No.PB00178