



WEB COPY

MASTER
02.07.2026

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A.No. 2612 of 2026
in
OP.D.No.11242 of 2025



ORDER

1. This application has been filed by the applicant to condone the delay of 293 days in representing the original petition.

2. The reason stated for the delay in representation is that the advocate clerk resigned his job due to personal family matters resulting in the bundle being misplaced. Hence, there occurred a delay in representation.

3. Now the point to be decided is that whether the delay of 293 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 a similar application in which the Hon'ble Division Bench condoned the delay on appeal 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 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. In the case on hand the reason stated for the delay is that the advocate clerk resigned his job due to which the bundle was misplaced. Though this court is not completely satisfied with the reason stated for the delay, considering the fact that the delay is only in representation and not in filing and also in view of the fact that innocent litigant should not be put at sufferance for the fault committed by his counsel, this court is inclined to allow this application.

In fine, this application is allowed on payment of cost **Rs.500/-** (Five Hundred Only) to be paid to the Hon'ble The Chief Justice Relief Fund in four weeks.

MASTER