


APPLICATION NUMBER :  
PETITION NUMBER : TCP/127/2016  
NAME OF THE PETITIONER(S) : R. Jeyapaal  
NAME OF THE RESPONDENT(S) : M/s Arjuna Engineering Private Limited & 2 others  
UNDER SECTION : 397/398 402 and 406

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
		REPRESENTATION BY WHOM	

R. Jeyapaal.  
S. Sathy Narayanan  
P. J. VIKRAM.  
(Counsel for Petitioner)

R. Jeyapaal.  
S. Sathy Narayanan  
P. J. VIKRAM.



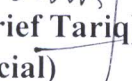
Arjuna Engg co P.Ltd.

R1-R3  
- Counsel for Respondents.



### ORDER

Counsel representing both parties present. Counsel for the respondents filed objections to the application filed for restoration of the main petition that came to be dismissed in default on 17.10.2016. The application for restoration came to be filed on 27.10.2016. The reason specified in the application is that the matter was to be heard at 2.30 p.m. but the same has been posted in the morning session. The reason is genuine because there was a change pertaining to the constitution of Division Bench, Chennai. The Division Bench has been ordered to continue the proceedings in relation to the Single Bench <sup>cases</sup> as well. The counsel for the respondent has filed their objections in detail citing judgement of the Hon'ble Madras High Court reported in 2016(5) CTC 41 titled Manish Khanna vs Prabhu PolyColour Ltd. It was held that if a permission is granted to the petitioner to restore the case, there will be hardship and injustice that will be caused to the petitioner. It was further held that petitioner has no vital or reasonable case. We do not disagree with the said ratio. However, the facts of this case are distinct and the cause shown by the applicant for restoration of the petition is held sufficient. Therefore, we allow the application and restore the petition to the original position for further proceeding in the matter. Put up on 20.12.2016 at 10.30 A.M.

  
(Ch. Md. Sharief Tariq)  
Member (Judicial)

  
(K. Anantha Padmanabha Swamy)  
Member (Judicial)