

NHAI Vs. Jagdish & Ors.

OMP(M) No. 166/2024

08.05.2025 Present: Ms. Shreya Chauhan, Advocate, for the applicant.

Ms. Himani Verma, Advocate, proxy counsel, for respondents No.1(i), 1 (ii), 2 to 4.

Applicant/appellant seeks condonation of delay in instituting the main appeal.

2. The applicant has pleaded that the impugned judgment was pronounced by the learned District Judge on 06.10.2023. Its certified copy was applied on 12.12.2023. The same was attested on 19.12.2024 and was delivered on 19.12.2024. However, disposal of the case on 06.10.2023. was not within the knowledge of the applicant as the same was never intimated to it by its counsel.

3. The application is with the further averments that the applicant became aware on 24.03.2024 about the disposal of the main case on 06.10.2023. On account of closing of the financial year, the empaneled counsel for the applicant throughout the State of H.P. were directed to furnish the information of the pendency or otherwise of the cases of the appellant. That it is only thereafter the applicant came to know about the fact that the instance case had been disposed of on 06.10.2023. However, this fact was not brought to the notice of the applicant by its counsel.

4. The applicant further submits that due to such inefficient and lackadaisical attitude of the said law firm/counsel, M/s M.V. Kini & Co., 362 cases pending in District Mandi have been withdrawn and had been allotted to some other firm.

5. The reasons for the delay in filing the appeal have been attributed upon having no information about disposal of the case from the counsel conducting the said case. The applicant has demonstrated its bonafide by pleading that it has already withdrawn its cases from the law firm conducting the aforesaid cases.

6. For the cogent reasons given and established in the application, the delay in filing the main appeal is condoned. The application to stand disposed of.

Arb. Appeal No. 167/2025

7. Be Registered.

List for consideration after six weeks.

8. **OMP(M) No.592/2025**

Be registered.

Heard.

Subject to deposit of entire awarded amount alongwith up to date interest in the Registry of this Court within six weeks, operation and execution of award dated 06.10.2023, passed by the learned District Judge Bilaspur,

H.P. in Arbitration Case No. 180 of 2018 (National Highways
Authority of India Vs. Jagdish and Ors.), shall remain stayed.

Application to stand disposed of.

Jyotsna Rewal Dua
Judge

8th May, 2025 (rohit)