


# ORDER SHEET

DATE OF ORDER OF PROCEEDING	ORDER OR PROCEEDING WITH SIGNATURE OF PRESIDING OFFICER	REMARK
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**CASE No. CGIT/LC/EPFA/Misc/14/2022**  
**M/s J. K. Hospital & Medical Research Centre, Bhopal**  
**Vs**  
**RPFC Indore**

26.08.2025	<p>Matter taken up, None present for Respondent.</p> <p>Adv. Shri Akash Choudhary appears for the Appellant and submits that the present application is filed under Order 9 Rule 9 of the Code of Civil Procedure seeking restoration of the appeal which was dismissed for default by order dated 24.08.2022.</p> <p>It is submitted that the appeal, originally filed against the order passed under Sections 14B &amp; 7Q of the EPF &amp; MP Act, 1952, whereby damages of Rs. 1,11,353/- and interest of Rs. 39,990/-, total amounting to Rs. 1,51,343/-, were imposed upon the Appellant for the period from 09/2008 to 11/2011, was dismissed on 24.08.2022 for want of prosecution.</p> <p>The Appellant contends that on the said date the counsel for the Appellant was unwell and was admitted for his treatment due to which he was unable to attend the case. Copy of the medical documents demonstrating the same is marked herewith as Annexure MA/1. Certified Copy of the order dated 24.08.2022 is marked herewith as Annexure MA/2.</p> <p>It is further stated that the absence of counsel was not deliberate but on account of unavoidable circumstances. It is submitted that the case has not been heard and decided on merits and grave prejudice would be caused to the Appellant if the appeal is not restored, whereas no irreparable harm would be caused to the Respondent by restoration.</p> <p>At the same time, it is settled law that a litigant should not be made to suffer for lapses on the part of his counsel (Ref. Rafiq v. Munshilal, AIR 1981 SC 1400). The paramount duty of the Tribunal is to adjudicate disputes on merits rather than shut the doors of justice on technical grounds.</p>	
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	<p>Considering the submissions, material on record, and in the interest of substantial justice, this Tribunal finds merit in the application. The appeal is accordingly restored to its original number, subject to the condition that the Appellant deposits a cost of ₹10,000/- (Rupees Ten Thousand only) with the Registrar CGIT, Jabalpur.</p> <p>The restored appeal shall now be listed for further proceedings on a date .</p> <p>Let an intimation be sent to the parties accordingly.</p> <p>Ordered accordingly.</p> <div data-bbox="444 962 1229 1747" style="text-align: center;">  <p>Presiding Officer</p> </div>	