

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**ARBITRATION APPEAL NO. 41 OF 2012**

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| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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None for the Appellant.

Mr. J. P. Sen, Senior Counsel i/b City Legal for the respondent no.1.

**CORAM : K. K. TATED, J.**

**DATED : 03/12/2015.**

**PC.:**

. None for the Appellant. The learned Senior Counsel Mr. J. P. Sen for the respondent.

2 The learned Senior Counsel for the respondent submits that the appeal filed by the appellant as it is not maintainable. He submits that in the present proceeding, the appellant is challenging the order dated 18.07.2012 passed by the learned District Judge, Pune in Civil Misc. Application No. 364 of 2011 by which the Trial Court rejected the applicant's application for condonation of 335 days delay in lodging the application under Section 34 of the Arbitration & Reconciliation Act. Against the said order Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 is not

maintainable.

3 In support of this contention, the learned Senior Counsel relies on the Judgment in the matter of *State of Maharashtra & Anr. V/s. Ramdas Construction Co. & Anr., reported in 2006(6) Mh. L. J. 678* as well as in the matter of *Union of India & Ors. V/s. Radha Krishna Seth & Ors. reported in 2006 (2) Arb. L.R. 441 (Allahabad)*.

4 As no one appeared on behalf of appellant, matter is dismissed for default.

(K.K.TATED, J.)