

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1190 OF 2015
IN
ARBITRATION PETITION NO. 1184 OF 2015

M/s.K.M.Developers Pvt. Ltd.

..... Applicant
(Org.Petitioner)

IN THE MATTER BETWEEN

M/s.K.M.Developers Pvt. Ltd.

..... Petitioner
(Org.Respondent No.1)

VERSUS

Rajendrakumar B. Metkari & Ors.

..... Respondents
(Org.Claimants)

Mr.Ashish Kamat, a/w.Mr.Nikhil Rajani, i/b.V.Deshpande & Co. for the Applicant in Notice of Motion.

Mr.F.Dubash, a/w. Mr.S.B.Pawar, Ms.Swati Sawant, i/b.S.K.Legal Associates for Respondent Nos. 1 to 3.

Mr.Anupam Surve, i/b.M.P.Rege for Respondent Nos. 4 to 8.

CORAM : R.D. DHANUKA, J.

DATED : 10th SEPTEMBER, 2015

P.C.

By this notice of motion, the petitioner seeks condonation of delay of 49 days in filing these proceedings under section 37 of the Arbitration and Conciliation Act, 1996.

2. I have heard the learned counsel appearing for the parties and have perused the reasons rendered in the affidavit in support of the Notice of Motion. In my

view though the reasons recorded in the affidavit in support are not fully satisfactory for the purpose of condonation of delay, however the interest of justice would be met with if the petitioner is directed to pay cost of Rs.10,000/- to respondent nos. 1 to 3 and the similar amount to respondent nos. 4 to 8 within two weeks from today.

3. For the reasons recorded in the affidavit in support and on payment of cost as directed aforesaid, Notice of Motion is made absolute in terms of prayer clause (a). Delay of 49 days in filing this petition is condoned.
4. Petitioner is directed to remove all other office objections within two weeks from today, failing which the petition to stand dismissed without further reference to court.
5. Place the arbitration petition on board on 5th **October, 2015.**

[R.D. DHANUKA, J.]

“Certified to be true and correct copy of original signed order.”