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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 110/2015 & CM 4369/2015, 4370/2015 and 4371/2015**

SUMIT BANSAL & ORS

..... Appellants

Through : Mr Mohit Chaudhary with Mr Rahul
D.Tyagi

versus

M/S KARVY FINANCIAL SERVICES LTD & ANR

..... Respondents

Through : Mr Rajat Katyal with Mr Rishab Kaushik

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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13.03.2015

CM 4370/2015

Allowed subject to all just exceptions.

FAO(OS) 110/2015 & CM 4369/2015 and 4371/2015

This appeal is directed against the order dated 08.01.2015 passed by a learned Single Judge of this Court in IA No. 15706/2014 and OMP 991/2014.

By virtue of the said IA, the appellant has sought condonation of delay in re-filing the petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the said Act'), whereby the award dated 19.12.2013 was challenged. The learned Single Judge has noted all the relevant dates and the purported circumstances indicated by the appellant for the delay in re-filing. We need not repeat those purported circumstances inasmuch as the same are covered in the impugned order. We feel that the learned Single Judge has exercised his discretion in a judicious manner and has come to the conclusion that the explanation offered by the

appellant for the delay of 108 days in re-filing the petition was not satisfactory. The learned Single Judge has also noted that the appellant had re-filed the petition on more than one occasion, but without removing the objections. We are not inclined to interfere with the discretion exercised by the learned Single Judge particularly as there does not appear to be any substance in the purported cause shown by the appellant. The learned counsel for the respondent is present and states that in any event, the subject matter of the above mentioned OMP has already been referred to mediation in execution proceedings.

In these circumstances, the appeal is dismissed.

BADAR DURREZ AHMED, J

**MARCH 13, 2015
SR**

SANJEEV SACHDEVA, J