

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 2257 OF 2009
IN
ARBITRATION PETITION (LODG.) NO. 555 OF 2009**

Mr.Dhanpal Tamanna Gulavane .. Petitioner/(Org.Respdt.)
Vs.
1. L & T Finance Ltd. & Anr. .. Respondents

Mr.Hemant Ghadigaonkar for petitioner/applicant.

Ms.Nikita Pawar i/b S.I. Joshi & Co. for respondent no.1.

**CORAM : K.R.SHRIRAM, J.
DATE : 20TH SEPTEMBER, 2016**

P.C.

1 This notice of motion is to condone the delay of 24 days in filing the petition. In the arbitration petition, the petitioner has been directed to pay a sum of Rs.94,757/- together with interest at 18% per annum from 8th June 2008 till payment and realization and costs of Rs.6,000/-.

2 In the affidavit in support, the petitioner has given reasons as to why the delay should be condoned. Since the amount involved is small, I asked the counsel appearing for the petitioner to explain the basis for challenging the Award under Section 34 of the Arbitration and Conciliation Act, 1996 before disposing of the notice of motion.

3 The counsel for the petitioner submitted that the only ground is that the Tractor was taken away by the respondent no.1, for which the petitioner had borrowed money from respondent no.1, without giving proper notice.

4 In my view, this would not come under any of the grounds for challenging the proceeding under Section 34 of the Arbitration and Conciliation Act, 1996.

5 In the circumstances, the question of even allowing this notice of motion does not arise.

6 The notice of motion stands dismissed.

(K.R. SHRIRAM, J.)