

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1942 OF 2016
IN
ARBITRATION PETITION (L) NO. 659 OF 2016

M/s. Icon Engineers and anr.

.....Petitioner

V/s.

M/s. Shriram Equipment Finance
Company Ltd.

.....Respondent

* * * * *

Mr. Prashant Darandale, Advocate for the petitioner.

Mr. Rajesh Kanojia i/by. Res Juris, Advocate for the respondent.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH OCTOBER, 2016.

P.C. :-

1). This Notice of Motion is for condonation of delay in filing the petition under Section 34 of the Arbitration and Conciliation Act, 1996. The application is opposed by the respondent. In the affidavit-in-support of the Notice of Motion, the petitioner attributes the delay to certain unavoidable circumstances i.e. ill-health of the proprietor of the petitioner and his unsound financial status. It is claimed that, he needed time to make

arrangements for payment of the court-fees and also seeking proper legal advise. Mr.Kanojia, the learned Advocate appearing for the respondent, submits that the explanation given in the Affidavit-in-support is devoid of particulars and ought not to be accepted by the Court. Considering the explanation of delay, in my opinion, the same can be condoned by compensating the respondent with costs. Hence, the Notice of Motion is allowed in terms of prayer clause (a) on condition that the petitioner pays costs quantified at Rs.5,000/- to the respondent within a period of 2 weeks from today. After removal of the office objections, office to number the petition and place the same on board for admission in due course.

(SMT. R.P. SONDURBALDOTA, J)