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

NOTICE OF MOTION NO.1336 OF 2015
IN
ARBITRATION PETITION (LODGING) NO.1543 OF 2015

Ramesh B. Vaishnav

...Applicant

IN THE MATTER BETWEEN :

Ramesh B. Vaishnav

...Petitioner

V/s.

Mahindra & Mahindra Financial Services Ltd. & Anr.

...Respondents

Mr.Akshay Bobde i/b Mr.Bharat A. Punekar for the Applicant /
Petitioner.

Ms.Ruchita Mascharnhas i/b Ms.Priya Crasto for the Respondent
No.1.

CORAM : R.D. DHANUKA, J.

DATE : 14TH JULY, 2016.

P.C. :-

1. By this notice of motion the applicant seeks condonation of delay of 68 days in filing the arbitration petition. It is the case of the applicant that though copy of the signed award was not served upon the applicant as required under section 31(5) of the Arbitration & Conciliation Act, 1996, as and by way of abandoned precaution, the applicant has filed this notice of motion for seeking condonation of delay of 68 days. Learned counsel appearing for the respondent did

not produce any proof of service of the signed copy of the arbitral award from the learned arbitrator upon the applicant as contemplated under section 31(5) of the Arbitration & Conciliation Act, 1996. No affidavit in reply has been filed to the notice of motion.

2. In my view since the copy of the signed arbitral award was not served upon the applicant by the learned arbitrator, there was no delay in filing the arbitration petition. The notice of motion is accordingly disposed of in aforesaid terms. No order as to costs.

3. Place the arbitration petition on board for admission on 4th August, 2016. The respondent shall file affidavit in reply in the arbitration petition on or before 25th July, 2016 and shall serve a copy thereof upon the petitioner's advocate simultaneously.

4. The petitioner is directed to remove office objections, if any, before the next date and get the arbitration petition numbered.

(R.D. DHANUKA, J.)