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

NOTICE OF MOTION NO.1349 OF 2015
IN
ARBITRATION PETITION (LODGING) NO.1418 OF 2015

Manisha S. Phaltankar ...Applicant

IN THE MATTER BETWEEN :

Manisha S. Phaltankar ...Petitioner

V/s.

The Sole Arbitrator & Ors. ...Respondents

Mr.A.N. Namjoshi for the Applicant / Petitioner.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 31ST MARCH, 2016.

P.C. :-

1. Learned counsel appearing for the applicant / petitioner states that the respondents are served and tenders affidavit of service. The statement is accepted. None appeared for the respondents, though served.

2. By this notice of motion the petitioner seeks condonation of delay of 13 days in filing the arbitration petition. According to the petitioner, a copy of the award was received on 28th March, 2015. The arbitration petition has been lodged on 10th July, 2015. The petitioner

has given various reasons in the affidavit in support of the notice of motion and more particularly about the sickness of her mother-in-law. The petitioner has also annexed a copy of the doctor's certificate dated 7th August, 2015. I have perused the reasons recorded in the affidavit in support of the notice of motion.

3. For the reasons recorded in the affidavit in support of the notice of motion satisfactorily explaining the delay of 13 days in filing the arbitration petition, delay of 13 days is condoned.

4. The notice of motion is accordingly disposed of in aforesaid terms. No order as to costs.

5. The petitioner is directed to remove all other office objections within two weeks from today. It is made clear that no further extension would be granted. If all the office objections are not removed within a period of two weeks from today, the arbitration petition shall stand dismissed without further reference to this Court. If the arbitration petition is numbered, place the arbitration petition on board for admission after two weeks.

6. At this stage, learned counsel for the petitioner seeks liberty to delete the name of the respondent no.1 – arbitrator from the arbitration petition. Leave to amend is granted to delete the name of the respondent no.1 from the cause title of the arbitration petition and also to carry out consequential amendment. The amendment to be

carried out within in two weeks from today. The amended copy of the arbitration petition shall be served upon the remaining respondents simultaneously.

(R.D. DHANUKA, J.)