

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAM) No.27 of 2016

In

Arbitration Appeal No.8 of 2014

(Nirmal Ujjwal Sahakari Path Sansths Maryadit, through its General
Manager Smt. Nanda Dinesh Bante v. Shri Sudhir Sharad Kachore and
others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri V.S. Mishra, Advocate for Appellant/Applicant.

Shri A.G. Gharote, Advocate for Respondent Nos.2(a) and 2(b).

Coram : R.K. Deshpande, J.

Date : 3rd May, 2016

This application is filed under Section 148 of the Code of Civil Procedure for enlargement of time to furnish the bank guarantee as per the order dated 9-3-2016. The reasons are stated in the application to seek extension of time, and this application is filed prior to expiry of the period mentioned in the order dated 9-3-2016 passed by this Court granting six weeks' period to furnish the bank guarantee for an amount of Rs.4,81,16,167/-.

Shri A.G. Gharote, the learned counsel for the respondent Nos.2(a) and 2(b), submits that the application under Section 148 of the Code of Civil Procedure is not maintainable, and such application can be filed only in a suit,

whereas the present proceedings arise out of the proceedings under Section 37 of the Arbitration and Conciliation Act.

Leaving apart such controversy, the fact remains that this Court has granted time to furnish the bank guarantee and hence this Court has ample power to grant extension of time.

Hence, the civil application is allowed. The time is extended, as has been sought for, by a further period of six weeks, by way of last chance.

Civil Application (CAM) No.27 of 2016 is disposed of.

In view of the order dated 9-3-2016 passed by this Court, Civil Application (CAM) No.13 of 2014 also stands disposed of.

Judge.

Lanjewar