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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ FAO 496/2016

M/S O J FINANCIAL SERVICES LTD. ..... Appellant
Through: Mr. Shiv Prakash Pandey & Mr. Raghav Pandey, Advocates

Versus

MUKESH GARG ..... Respondent
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R

% **07.10.2016**

C.M.No.37809/2016 (u/S 151 CPC)

Allowed subject to all just exceptions.

FAO 496/2016 & C.M.No.37808/2016 (for stay)

This appeal is against the impugned order of 31st May, 2016, vide which learned trial court has dismissed appellant's objection under Section 34 of *The Arbitration and Conciliation Act, 1996*.

After some arguments, learned counsel for appellant submits that the plea of delay in relation to funds, security etc. being punishable with fine of ₹10,000/- or with advice, as provided by the National Stock Exchange in the list of Common Violations and Applicable Penalties was urged before the trial court but it has not been dealt with in the impugned order.

If it is so, then the appropriate course for the appellant is to seek review of the impugned order.

Learned counsel for appellant submits that an application for review will be filed within two weeks before the trial court.

If it is so done, then the trial court shall decide the review application on merits expeditiously. It is being so said because in the facts of this case, the plea of limitation deserves to be waived and is accordingly waived.

With aforesaid liberty, this appeal and application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

OCTOBER 07, 2016
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