

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE NO. 24 OF 2017
IN
COMM. EXECUTION APPLICATION NO. 65 OF 2016
IN
ARBITRATION NO. 935 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Ms. Nikita Pawar I/by. S. I. Joshi & Co. for Claimant.

**CORAM : K. K. TATED, J.
DATE : DECEMBER 5, 2017**

P.C.:

. Heard learned Counsel Ms. Pawar for Claimant.

2. The learned Counsel for Claimant submits that Respondents are duly served. To that effect, they have filed joint affidavit of service dated 27th March, 2017. Same is already on record. In spite of service, no one appeared on behalf of Respondents when the matter was called out.

3. The learned Counsel for Claimant submits that they have preferred the present Notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 for permission to proceed with the

Execution Application to execute the Award dated 30th January, 2013. She submits that there is a delay to file Execution Application beyond two years. She submits that this Hon'ble Court be pleased to allow the present Notice.

4. Considering the submission made by the learned Counsel for Claimant, inspite of service no one appeared on behalf of Respondents, as the Claimant has to recover more than Rs. 1,46,78,493.88/- with interest at the rate of 24% per annum and considering the reasons disclosed by the Claimant in affidavit in support of Execution Application, I am satisfied that Claimant has made out the case for allowing this Notice. Hence, the following order.

ORDER

(A) Notice preferred by the Claimant under Order XXI Rule 22 of the Code of Civil Procedure, 1908 is allowed.

(B) Claimant can proceed with the Execution Application to execute the Award dated 30th January, 2013 according to law.

(C) Notice stands disposed of accordingly.

(K.K.TATED, J.)