

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE NO.58 OF 2015**

**IN
ARBITRATION PROCEEDINGS NO.F & O/M-0070/2011
(EXECUTION APPLICATION NO.1333 OF 2014)**

M/s.Sharekhan Ltd.

...Applicant(Claimant)
(Trading Member)

Versus

Bhavana Nilesh Doshi

...Respondent (Constitute)

Mr.Deepak Sharma, Advocate for Applicant.

CORAM : K. K. TATED, J.

DATE : AUGUST 16, 2017

P.C.:

1. Heard learned Counsel Mr.Deepak Sharma appearing for the applicant/claimant.
2. The learned Counsel Mr.Deepak Sharma appearing for the applicant/claimant submits as per earlier order dated 5th July 2017, they tried to serve the notice on respondent by hand delivery as well as by RPAD. He submits that by hand delivery, the respondent refused to accept the same. He further submits that by RPAD, notice is duly served. To that effect, he has filed affidavit of service dated 14th July 2017. Affidavit of service shows that the respondent is duly served.
3. This Notice is preferred by the applicant under Order XXI, Rule 22 of the Code of Civil Procedure, 1908, for execution of Award dated 17th October 2011 as the execution application was filed beyond 2 years.

4. Considering the submission made by the learned Counsel for the applicant and the execution application, I satisfy that the applicant has made out a case for allowing notice. Hence, the following order:-

ORDER

- i) Notice under Order XXI, Rule 22 of the Code of Civil Procedure, 1908, is allowed;
- ii) The applicant can proceed with the execution proceeding;
- iii) No order as to costs.

(K.K.TATED, J.)