

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE NO.59 OF 2015**

**IN
ARBITRATION PROCEEDINGS NO.F & O/M-0015/2009
(EXECUTION APPLICATION NO.1335 OF 2014)**

M/s.Sharekhan Ltd.

...Applicant(Claimant)
(Trading Member)

Versus

Mickey Sibbal (HUF)

...Respondent (Constituent)

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.
2. The learned Counsel Mr.Deepak Sharma appearing for the applicant submits that the copy of notice is duly served on respondent by hand delivery as well by R.P.A.D. To that effect, he has filed affidavit of service dated 14th July 2017. Affidavit of service shows that the respondent is duly served. Inspite of that, no one remained present when the matter was called out.
3. This Notice is preferred by the applicant under Order XXI, Rule 22 of the Code of Civil Procedure, 1908, for permission to execute the Award dated 29th March 2010 as the applicant filed execution proceeding beyond 2 years.

4. From the submission made by the learned Counsel for the applicant and the averments made in the affidavit in support of the application, I satisfy that the applicant has made out a case for allowing his 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 to execute the Award dated 29th March, 2010;
- iii) No order as to costs.

(K.K.TATED, J.)