

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

**NOTICE NO. 1526 OF 2016
IN
EXECUTION APPLICATION NO. 343 OF 2016
IN
ARBITRATION PROCEEDING NO. 459 OF 2010**

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. Aushi Shah I/by. India Law for Claimant.

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

P.C.:

1. Heard learned Counsel Ms. Shah for Claimant.

2. 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 liberty to proceed with the Execution Application to execute the Award dated 11th April, 2011. She submits that there is a delay on their part to lodge the Execution Application beyond the period of two years.

3. The learned Counsel for Claimant submits that they have served the copy of Notice on Respondents through the office of Sheriff,

Mumbai. She submits that at the time of service from the office of Claimant one Mr. Anil Kale was accompanied with the Bailiff. She submits that now Mr. Kale has left the organization of Claimant. Therefore, it is not possible for them to file affidavit of service. Hence, the concerned Bailiff has already affirmed the Affidavit of service dated 12th May, 2017. She had tendered the affidavit of service. Same is taken on record.

4. Though the Respondents are duly served, no one appeared on behalf of them when the matter was called out.

5. Considering the submission made by the learned Counsel for Claimant and the averments made 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 Execution Application to execute the Award dated 11th April, 2011 according to law.

(C) Notice stands disposed of accordingly.

(K.K.TATED, J.)