

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

**NOTICE NO.1455 OF 2015
IN
EXECUTION APPLICATION NO.1445 OF 2015**

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.S.I.Joshi i/b M/s.S.I.Joshi and Co. for the applicant

**CORAM : K. K. TATED, J.
DATE : DECEMBER 4, 2017**

P.C.:

1. Heard the learned counsel for the plaintiff.
2. The learned counsel for the plaintiff submits that defendants are duly served. To that effect, they filed affidavit of service dated 24.11.2017. Same is on record. In spite of service, no one appeared on behalf of respondent when the matter was called out.
3. This notice is preferred by claimant under Order XXI Rule 22 of the Code of Civil Procedure, 1908 for execution of award dated 15.5.2012.
4. The learned counsel for the applicant submits that there was delay on their part to prefer Execution Application within two years from the

date of award.

5. Considering the submissions made by the learned counsel for the Claimant and the averments made in the affidavit in support of Execution Application, I am satisfied that the Claimant has made out a case for allowing the notice. Hence, following order is passed:

- a) Notice preferred by 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 15.5.2012 is according to law.
- c) Notice stands disposed of accordingly.

(K.K.TATED, J.)