

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE NO.2144 OF 2016
IN
EXECUTION APPLICATION NO.1917 OF 2016
IN
ARBITRATION CASE NO.JJ-JULY-09-4677 OF 2009**

SBI Cards And Payment Services Pvt. Ltd.Claimant
Vs.
Bhavesh MattaRespondent

Ms Juhi Bhogle, a/w. Mr. M.G. Kale, i/b. OM Gujjar Law Chambers, for the Claimant.

CORAM : K.K. TATED, J.

DATE : 15th November, 2017

P.C. :

1. Heard the learned Counsel for the claimant.
2. The learned Counsel for the claimant submits that notice is duly served on the respondent. To that effect, she tenders joint affidavit of service dated 01.03.2017. Same is taken on record.
3. In spite of service, no one appeared on behalf of respondent.
4. This notice is preferred by claimant under Order 21 Rule 22 of the Code of Civil Procedure, 1908 for permission to proceed

with the Execution Application to execute the award dated 17.03.2012. The learned Counsel for the claimant submits that there was a delay on their part to lodge the Execution Application within two years from the date of Award.

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

- (a) Notice under Order 21 Rule 22 of the Code of Civil Procedure, 1908 preferred by the claimant is made absolute.
- (b) Claimant can proceed with the Execution Application to execute the award dated 17.03.2012 according to law.
- (c) Notice stands disposed of accordingly.

(K.K. TATED, J.)