

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5305 OF 2014
WITH
WRIT PETITION NO. 6003 OF 2014

LAXMAN BHANUDAS JAGTAP
VERSUS
MAHINDRA & MAHINDRA FINANCIAL SERVICES LTD. & ANR

...
Advocates for Petitioners : Shri Naik Thigale G.K.
and Shri Ghatol Patil S.B.
Advocate for Respondents : Shri Gangakhedkar S.S.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 08, 2018
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PER COURT :-

1. I have considered the submissions of the learned Advocates for the respective sides.

2. The law dealing with filing of an appeal under Section 34 of the Arbitration and Conciliation Act, 1996 has been settled by the Honourable Apex Court in the following matters:-

- (i) State of Maharashtra Vs. Ark Builders Pvt. Ltd. -
(2011) 4 SCC 616,
- (ii) Benarsi Krishna Committee Vs. Karmyogi Shelters Pvt. Ltd. -
(2012) 9 SCC 496,

- (iii) Reliance Securities Ltd. Vs. Badrinath Bodhai -
2011 (3) Mh.L.J. 327,
- (iv) National Aluminum Co. Ltd. Vs. Presssteel & Fabricators -
(2004) 1 SCC 540 and
- (v) Fiza Developers and Inter Trade Pvt. Ltd. Vs. AMCI (India) -
(2009) 17 SCC 796.

3. This Court has followed the law laid down by the Honourable Apex Court in the following matters.

- (i) Mahindra & Mahindra Financial Services Vs. Manik Vitthal Kawle - 2014 (7) Bom. C.R. 937 and
- (ii) Mahindra & Mahindra Financial Services Vs. Ram Hari -
WP 3280 of 2013 dated 23.8.2013.

4. Considering the above, the impugned judgment and order dated 30.4.2014, below Exhibit 5 in MCA No.120 of 2013 is quashed and set aside. Writ Petition No.5305 of 2014 is partly allowed. Consequentially, Writ Petition No. 6003 of 2014 is disposed off.

5. The appellate Court, dealing with the Appeal under Section 34, shall consider the issue of limitation and in the light of the

judgments cited which are recorded as above shall decide the said issue afresh.

6. It is expected that the trial Court shall decide the issue of delay, if any, as per the above directions as expeditiously as possible and preferably on/or before 15.4.2018. Until then, the litigating sides shall maintain status quo as regards the award which is sought to be challenged before the appellate authority.

(RAVINDRA V. GHUGE, J.)

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