

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 600 OF 2015

IN

STAMP NUMBER MAIN NO. 2329 OF 2015

RAMESH G. BANDEKAR.

... Applicant

Versus

MARIA FRANCISCA ALEXANDRA D\COSTA
(EXPIRED) REPRESENTED BY MS.MARIA
HERMINIA D\COSTA.

... Respondent

Shri Vibhav Rajiv Amonkar, Advocate for the applicant.

Coram:- C. V. BHADANG, J.

Date:- 6th September 2018

P.C.

This is an application for condonation of delay in filing an appeal under Section 37 of the Arbitration and Conciliation Act (the Act, for short).

2. The appellant had lodged a claim before the Arbitrator, under two heads, both of which were granted by the Arbitrator. Normally, the respondent, feeling aggrieved by the said Award, ought to have filed a single application under Section 34 of the Act, challenging the Award passed by the learned Arbitrator. However, the respondent chose to file two separate applications under Section 34 of the Act, which were decided by the learned District Judge by a common judgment, thereby setting aside the Award passed by the Arbitrator under both the heads. Now, it

was the turn of the appellant to file two separate appeals under Section 37, presumably on the ground that the respondent had chosen to file two separate applications under Section 34 of the Act. AUA No.4/2015, challenging the part of the common judgment and order passed by the learned District Judge, has already been admitted on 17/04/2017. There is delay of 41 days in filing the appeal bearing STM No.2329/2015.

3. On hearing the learned Counsel for the applicant and for reasons mentioned in the application, the same is allowed. Delay in filing the appeal is hereby condoned. Let the Appeal under Arbitration be registered.

4. The Civil Application is disposed of.

C. V. BHADANG, J.

SMA