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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 702 OF 2015

IN

REVIEW PETITION (L) NO. 18 OF 2014

IN

ARBITRATION PETITION NO. 1325 OF 2012

M/s. D.M. Builders & Developers ...Applicant

IN THE MATTER BETWEEN

M/s. D.M. Builders & Developers ...Petitioner

V/s.

M/s. Kukreja Construction Company ...Respondent

Mr. A.Y. Sakhare, Senior Advocate a/w. Mr. J.P. Singh for
Petitioner/Applicant.

Mr. Mani Thevar i/b. Mahesh Menon & Co. for Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14TH MARCH, 2018.

P.C. :-

1. By this notice of motion the applicant seeks condonation of delay of 60 days in filing review petition.
2. The applicant had initially filed an appeal bearing (L) No. 115 of 2014 against order passed by this Court in Arbitration Petition No. 1325 of 2012. By an order dated 7th March, 2014 passed by the

division bench of this Court, the applicant was granted leave to withdraw the said appeal on the ground that the appellant seeks to make an application for varying/modifying the impugned order.

3. I have perused the averments made in the affidavit in support of the notice of motion and have heard learned counsel appearing for the parties. The delay of 60 days is not fully and satisfactorily explained. However, in the interest of justice and on payment of costs of Rs. 25,000/-, which shall be paid by the applicant to the respondent within one week from today, delay of 60 days in filing the review petition is condoned. If the cost is not paid within one week, the order passed by this Court condoning the delay shall stand vacated without further reference to this Court.

4. Notice of motion is disposed of in the aforesaid terms. Place the review petition on board for admission on 5th April, 2018.

(R.D. DHANUKA, J.)