

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

**NOTICE OF MOTION NO. 38 OF 2018
IN
REVIEW PETITION NO. 51 OF 2017
IN
ARBITRATION PETITION NO. 951 OF 2016**

Jitendra Hiralal Shah

...Petitioner

vs

Kothak Mahindra Bank Ltd.

...Respondent

Mr.Hemant Ghadigaonkar for Applicant/Review Petitioner.

CORAM : S.C.GUPTE, J.

DATE : 19 DECEMBER 2018

P.C. :

Heard learned Counsel for the Applicant/Review Petitioner.

2 The present notice of motion is for condonation of delay of 42 days in filing the review petition. The case of the Applicant/Petitioner is that due to his father's illness at the relevant time, he could not instruct his Advocate to prepare the review petition. In fact, the Petitioner's old father, at that time of the age of 96 years, died soon thereafter, i.e. on or about 20 November 2017. The affidavit, thus, makes out a reasonable excuse for not preparing the review petition in time.

3 Accordingly, the notice of motion is allowed by condoning the delay. The review petition to come up for admission on 30 January 2019.

4 Issue notice to the Respondent on the review petition

returnable on 30 January 2019. The Petitioner may also serve the Respondent privately and file an affidavit of service by the next date.

(S.C. GUPTE, J.)