

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

**NOTICE NO.1502 OF 2016
IN
EXECUTION APPLICATION NO.1017 OF 2016**

The Cosmos Co-operative Bank Ltd.)....Claimant
V/s.
Mr.Chetan Jethalal Sirodaria & Anr.)....Respondents

Mr.Vijay Chavan for the claimant.
Mr.Bipin Vora I/by Tushar Kochale for respondent nos.1 & 2.
[Respondent No.1-Mr.Chetan Jethalal Sirodaria present in Court].

**CORAM : K.R.SHRIRAM,J
DATE : 3.1.2019**

P.C.:-

1. Respondents have filed an affidavit-in-reply of Chetan Jethalal Sirodaria. Mr.Vora advocate for respondents states that this reply of Chetan Jethalal Sirodaria affirmed on 20.12.2018 be also taken as reply on behalf of respondent no.2.

2. The affidavit-in-reply basically proceeds on the basis that award was an ex-parte award and they did not receive any notice about the arbitration proceedings. At the same time, it has to be noted that in paragraph-4 of the affidavit-in-support of the Execution Application, it is stated that the arbitration award was served upon

respondents sometime on or about 19.4.2010. This has not been denied in the affidavit-in-reply. Respondent no.1 is present in court. Mr.Vora took instructions from respondent no.1 who informed him that award was received in 2010.

3. Admittedly, no steps have been taken to challenge the award.

4. In the circumstances, notice is made absolute and accordingly disposed.

(K.R.SHRIRAM,J)