

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****COMM. NOTICE OF MOTION NO. 2106 OF 2019****IN****COMM. ARBITRATION PETITION (L) NO. 685 OF 2019****Sharang Bhalchandra Pande & Anr.****..... Applicants****IN THE MATTER BETWEEN****Sharang Bhalchandra Pande & Anr.****..... Petitioners****VERSUS****NKGSB Co-operative Bank Ltd. & Ors.****..... Respondents**

Ms.Jyoti S.Agrawal, i/b. Mr.Chetan Chandulal Agrawal for the Applicants/Petitioners.

Mr.Joel Carlos for the Respondent no.1.

Mr.Rajesh Ganpat Kamat, General Manager of Respondent no.1 bank present.

CORAM : R.D. DHANUKA, J.**DATE : 26th SEPTEMBER, 2019****P.C.**

Learned counsel for the parties agrees to delete the name of the learned arbitrator who is impleaded as respondent no.5. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. By this notice of motion, the applicant seeks condonation of delay of 29 days in filing arbitration petition. Learned counsel for the respondent no.1 who is the contesting party raises an objection on the ground that the delay is not sufficiently explained.

3. I have perused the averments made in the affidavit in support of

the notice of motion. The applicants have explained the delay in paragraphs 5 to 8 of the affidavit in support of the notice of motion. No affidavit in reply is filed by the respondent no.1 though served.

4. In my view, delay is sufficiently explained in paragraphs 5 to 8 of the affidavit in support of the notice of motion. Delay of 29 days in filing arbitration petition is accordingly condoned.

5. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]