

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

NOTICE OF MOTION NO.816 OF 2019
IN
APPEAL (L) NO.296 OF 2019

Mahindra And Mahindra Financial
Services Limited ..Applicant

IN THE MATTER BETWEEN

Mahindra And Mahindra Financial
Services Limited ..Appellant

Versus

Nuruddin Latif Naik & Anr. ..Respondent

Ms. Priya Crasto, Advocate for the Applicant.

Mr. Pradip Kadam, Advocate for Respondent No.1.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 20th NOVEMBER, 2019

P.C.

1] There is a delay of 34 days in filing the Appeal under Section 37 of the Arbitration and Conciliation Act, 1996, challenging the order dated 20th March 2019 allowing the Arbitration Petition No.927 of 2015 filed by the Respondent and as result setting aside the ex-parte Award dated 7th December 2011.

2] It is pleaded in the Notice of Motion that a copy of the

impugned order was received on 16th May 2019. Thereafter decision was taken to decide whether or not to challenge the impugned order and in view of the reasoning given by the learned Single Judge decision was taken to challenge the impugned order on 1st June 2019. The Appellant remained under a *bona fide* belief that period of limitation to file the Appeal was 90 days. It was realized that the Appeal had to be lodged within 30 days and thereafter fast tracking the issue, the Appeal was filed with a delay of 34 days.

3] Learned counsel for the Respondent states that there is no explanation as to what Appellant was doing between 20th March 2019 when the decision was pronounced in the presence of the counsel on 16th May 2019.

4] Though sufficient cause disclosed in the Notice of Motion for 34 days delay in lodging the Appeal is not very satisfactory but considering that the delay is of 34 days only, we would be inclined to condone the delay in preferring the Appeal. The Notice of Motion is allowed. Delay in filing the Appeal is condoned. The Appeal is taken on record.

Balaji G.
Panchal

Digitally signed by
Balaji G. Panchal
Date: 2019.11.21
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE