

vai

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

NOTICE OF MOTION NO.746 OF 2017
IN
COMMERCIAL ARBITRATION PETITION LDG.) NO.505 OF 2017

Jayant R. Patel ...Applicant

IN THE MATTER BETWEEN :

Jayant R. Patel ...Petitioner

V/s.

Siddharth Colony Hitsarankshan CHS Ltd. ...Respondent

Mr.Ashok Kumar Singh for the Applicant / Petitioner.

Mr.Ramanand R. Sharma for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 18TH JUNE, 2019.

P.C. :-

1. Heard the learned counsel for the parties. By this notice of motion, the applicant seeks condonation of delay of 26 days in filing the arbitration petition. The applicant has explained the delay in paragraph 2 of the affidavit in support of the notice of motion. The delay is sufficiently explained by the applicant in the affidavit in support of the notice of motion in filing the arbitration petition.

2. No affidavit in reply has been filed though served in the year 2018. I am inclined to accept the explanation in paragraph 2 of

the affidavit in support of the notice of motion. For the reasons recorded in the affidavit in support of the notice of motion, the notice of motion is made absolute in terms of prayer clause (a). There shall be no order as to costs. If there are any other office objections, the same shall be removed within two weeks from today. If all the office objections are not removed within two weeks from today, the arbitration petition to stand dismissed without further reference to the Court.

3. Affidavit in reply shall be filed within two weeks from today with a copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within one week thereafter with a copy to be served upon the respondents' advocate simultaneously.

4. Place the arbitration petition on board for admission on 22nd July, 2019.

(R.D. DHANUKA, J.)