

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

COMMERCIAL APPEAL NO.9 OF 2021
IN
INTERIM APPLICATION NO.2133 OF 2021
IN
COM. EXECUTION APPLICATION NO.122 OF 2017

Gavade Finance Pvt. Ltd. .. Appellant
v/s.
Yashovardhan Ashok Birla & Ors. .. Respondents

....

None for the Appellant.

Mr. Prateek Seksaria a/w. Mr. Nishant Chothani, Binjal Samani i/b
Vidhi Partners for the Respondents.

....

CORAM: NITIN JAMDAR &
G. A. SANAP, JJ.

DATE : 23 September 2021.

P. C:-

None had appeared for the Appellant on 17 September 2021 and the following order was passed:

" *None for the Appellant. The learned Counsel for the Respondents states that copy is not served. Stand over to 23 September 2021.*

2. *The impugned order is passed in an Interim Application taken out in Commercial Execution Application in Arbitration Petition where an Award is being executed.*

The learned Counsel for the Respondents points out that the Appeal will not be maintainable under Section 13 of the Commercial Courts Act, 2015."

2. None appears for the Appellant again. The learned Counsel for the Respondent states that the learned Counsel for the Appellant was informed of the adjournment. The learned Counsel for Respondent has relied upon the decision of this Court in the case of *Kakade Construction Company Ltd. vs. Vistra ITCL (India) Ltd.*¹

3. The appeal is dismissed for non prosecution. In case the Appellant seeks restoration, the Appellant will first demonstrate how the appeal is maintainable.

(G. A. SANAP, J.)

(NITIN JAMDAR, J.)

RAJESHWARI
SUBODH
KARVE

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¹ 2019 SCC Online Bom 1521