



WEB COPY



A.No.1877 of 2022 in
O.P (D) No.19926 of 2019
(Filing No.)

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M.SUNDAR.J.,

Captioned application has been filed with a prayer for 'Condonation of Delay' ['COD']. COD prayer is qua 16 days delay in presentation of aforementioned main OP, which is under Section 34 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)', which shall hereinafter be referred to 'A and C Act' for the sake of convenience and clarity.

2. As the rigour of limitation qua a Section 34 petition is very high (non-negotiable), this Court verified the dates. According to the applicant, the impugned award was received on 26.10.2018, three months therefrom elapsed on 26.01.2019 and captioned main OP has been presented in this Court on 11.02.2019 whereas it ought to have been presented on or before 26.01.2019 (at best 27.01.2019 as 26.01.2019 is a public holiday on account of Republic day). Therefore, the computation of 16 days is in order.



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3. Mr.K.M.Sriram, learned counsel for respondent who is before this Court, on instructions, submits that COD prayer is not opposed as the reason given is health issue and difficulty in mobilizing Court fee.

4. Owing to the fair stand of the respondent and learned counsel for respondent, a discussion is not necessary. Delay condoned. In other words, captioned application is ordered as prayed for. There shall be no order as to costs.

28.07.2022
(1/2)

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