

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.882 OF 2022
IN
ARBITRATION APPEAL (ST.) NO.20232 OF 2021

Dhanraj Chaganlal Shah and others ... Applicants / Org. Def.1 to 4
Vs.
Hasmukh Chaganlal Shah and others ... Respondents / Plaintiffs
and other Defendants

Mr. Ajay A. Joshi for Applicants.

Mr. Bharat Gadhavi i/b. Tejesh Dande & Associates for Respondent Nos.1 to 4.

Ms. Pranali P. Railkar for Respondent Nos.5 to 7.

CORAM : MANISH PITALE, J.

DATE : FEBRUARY 17, 2023

P.C. :

. This is an application seeking condonation of delay of 98 days in filing the accompanying appeal.

2. It is submitted on behalf of the applicants that delay has occurred, *inter alia*, for the reason that initially the appellants were advised to file a civil revision application and when it was found that the correct remedy was to file an appeal before this Court, the civil revision application was withdrawn with liberty to file the present appeal.

3. Apart from this, it is pointed out that the series of orders passed by the Supreme Court in *Suo Motu* Writ Petition No.3 of 2020 would apply to the facts of the present case, because the appeal was filed during the period between 15.03.2020 and 15.03.2022, when the said orders of the Supreme Court were holding the field. There is no dispute about the aforesaid factual position brought to the notice of this Court.

4. In view of the above, the application is allowed and delay is condoned.

ARBITRATION APPEAL (ST.) NO.20232 OF 2021

All the respondents are represented in this appeal.

2. Reply affidavits, if any, be filed within three weeks from today.
3. List the appeal for final disposal on 23.03.2023.

(MANISH PITALE, J.)

Minal Parab