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

NOTICE OF MOTION NO.1872 OF 2019

IN

ARBITRATION PETITION (L) NO.313 OF 2019

Shivaji Deorao Ganage & Ors.

...Applicant /
Ori. Petitioner

Versus

Mahindra and Mahindra Financial Services Ltd ...Respondents
& Ors.

Jehangir Jejeebhoy for the Official Liquidator.

Mr. Prabhakar M. Jadhav for the Plaintiff.

M. Sanghavi with Parth Singh for Respondent No.1.

CORAM : R.I. CHAGLA J

DATE : 20 JUNE 2023

ORDER :

1. By this Notice of Motion, the Applicant / Original Petitioner has sought condonation of delay of two days in filing Arbitration Petition. In the Affidavit in Support of the Notice of Motion, the Applicant has stated that the delay in filing the Arbitration Petition was on account of application made for payment

of Court Fees and due to the Petitioners being under serious financial stress, considerable period of time was taken to arrange for payment to be made to the lawyers and for the court fees. The Applicant has stated that after the funds had been collected in the second week of March, 2019, the present Advocate was informed to prepare the Arbitration Petition challenging the award dated 12th December, 2018. It is further stated that the Petitioner has applied for Court Fees on 15th March, 2019 and the same was made available on 19th March, 2019.

2. The Applicant has stated that the delay is neither intentional nor deliberate but is bonafide and requires to be condoned in the interest of justice.

3. Having considered the averments in the Affidavit in Support of the Notice of Motion, I am of the view that satisfactory explanation has been provided for the delay of two days in filing the present Arbitration Petition. Considering that the delay is not beyond the permissible period of 120 days from the passing of the award, the delay in filing the present Arbitration Petition is condoned. Hence, the following order:-

(i) The delay of two days in filing the present Arbitration Petition is condoned.

(ii) The Registry shall accept the filing of the Arbitration Petition.

(iii) Notice of Motion is accordingly disposed of.

[R.I. CHAGLA J.]