

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 957 OF 2019

IN

APPEAL (L) NO. 42 OF 2019

IN

ARBITRATION PETITION NO 644 OF 2012

Mahesh Saboo ... Applicant  
**IN THE MATTER BETWEEN :**  
Mahesh Saboo ... Appellant  
Versus  
The Cosmos Co-operative  
Bank Ltd. & Ors. ... Respondents

WITH

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IN

ARBITRATION PETITION NO 644 OF 2012

Mahesh Saboo ... Appellant  
Versus  
The Cosmos Co-operative  
Bank Ltd. & Ors. ... Respondents

Mr. Amar Bodke i/b. Ms. P. V. Thorat, Advocate for  
Applicant/Appellant.

Mr. Joel Carlos, Advocate for Respondent No.1.

**CORAM : K. R. SHRIRAM &  
RAJESH S. PATIL, JJ**

**DATE : JANUARY 24, 2023**

**PC**

1. We have considered the order dated 28<sup>th</sup> January 2013, which applicant proposed to impugn in the appeal. In our view, the appeal is not maintainable against that order. Moreover, having considered the affidavit-in-support, no case for delay of almost six years is made out.

2. We would also note that the petition under Section 34 of the Arbitration and Conciliation Act, 1996 came to be dismissed by the order dated 28<sup>th</sup> January 2013 because the petition was lodged almost four years after the award was served on petitioner.

3. Application dismissed. Consequently, appeal also dismissed.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)

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