

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 4 OF 2022
WITH
NOTICE OF MOTION (LODGING) NO. 2262 OF 2018
IN
ARBITRATION PETITION (LODGING) NO. 1045 OF 2018**

New Fit and Fine and others ... Applicants/Petitioners
vs.
HDB Financial Services Limited & another ... Respondents

**CORAM : MANISH PITALE, J
DATE : 28th APRIL, 2023**

P.C. :

- . None for the applicants/petitioners.
2. On 19th April, 2023, this Court passed the following order:
“ On 3rd April, 2023, this Court passed the following order:

‘ The learned counsel for the petitioners submits that a short adjournment may be granted to clarify as to whether there is delay in filing the petition and if so, the number of days of delay. This would be crucial for the Court to decide as to whether power can be exercised for condoning delay, for the reason that as per settled law, this Court does not have power to condone the delay beyond a period of 30 days after expiry of three months from the date of the award or the date when the award was received by the petitioner.

2. The learned counsel for the petitioners submits that he would clarify the facts on the next date of listing. List for further consideration on 19/4/2023.’

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2. Today, when the matter is called out for hearing, there is no appearance on behalf of the applicants/petitioners.
3. Hence, list on 28th April, 2023, under the caption 'for dismissal'."
3. Even today, as noted hereinabove, there is no appearance on behalf of the applicants/petitioners.
4. Hence, dismissed for non-prosecution.

(MANISH PITALE, J)

Priya Kambli