

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 500 OF 2019
IN
ARBITRATION PETITION (LODGING) NO. 462 OF 2019**

Rezual Karim ... Applicant/Petitioner

vs.

Tata Motors Finance Solution Limited and others ... Respondents

Mr. Kirit Hakani a/w. Ms. Niyati Hakani for applicant/petitioner.

CORAM : MANISH PITALE, J

DATE : 31st MARCH, 2023

P.C. :

. By this application, the applicant (original petitioner) is seeking condonation of delay of 24 days in filing the accompanying petition.

2. This Court issued notice on 22nd November, 2019. The service report shows that the respondents have been served.

3. Despite service of notice, there is no appearance on behalf of the respondents.

4. This Court has heard Mr. Hakani, learned counsel appearing for the applicant/petitioner. It is stated in the application that delay of 24 days has occurred, for the reason that the applicant is a resident of Assam and it took some time for the applicant to take necessary steps to approach this Court, by way of the accompanying petition.

5. For the reasons stated in the application, the same is allowed and the delay is condoned.

Arbitration Petition (Lodging) No. 462 of 2019:-

6. Heard learned counsel appearing for the petitioner. It is pointed out that the sole arbitrator in the present case, is doing the work of arbitration, only for respondent No.1 (original claimant) and that this is an aspect, which needs to be considered, while determining whether the impugned award deserves to be set aside. Apart from this, it is submitted that clause (b) of the impugned award observes that the respondents (original claimants) herein are entitled to enforce and realize the amounts due and payable from the petitioner by recovering/taking possession/repossession of the vehicle in question and to sell the same by public auction or private treaty, while there is a document on record to show that the vehicle was re-possessed by the respondent No.1 (original claimant) on 8th February, 2018, itself.

7. Issue notice for final disposal, returnable on 23rd June, 2023.

Priya Kambli

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(MANISH PITALE, J)