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A. No.4085 of 2023

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in
Arb. O.P. Dr. No.69475 of 2023

ABDUL QUDDHOSE, J.

M.Sivakumar	...	Applicant
vs.		
M/s.Sundaram Finance Ltd.		Respondent

This application has been filed to condone the delay of 26 days in filing the petition under Section 34 of the Arbitration and Conciliation Act, 1996.

2. The respondent has obtained an Arbitral Award against the petitioner which has been challenged by the petitioner in Arb. O.P.Dr.No.69475 of 2023. This application has been filed to condone the delay of 26 days in filing the aforesaid O.P.

3. This Court is satisfied with the reasons contained in the affidavit filed in support of this application. However, the learned counsel for the respondent, who is appearing through Video Conferencing would submit that the Arbitral Award was passed on 02.09.2022 but the petitioner claims that he has received the Award only on 05.01.2023, which is not



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possible. A counter to that effect has also been filed by the respondent which is taken on record. No prejudice would be caused to the respondent, if the issue with regard the limitation is kept open for adjudication, once the main O.P. filed under Section 34 of the Arbitration and Conciliation Act, 1996 is taken up for disposal. Accordingly, this application is allowed as prayed for, since sufficient cause has been shown in the affidavit for condonation of the delay without prejudice to the rights and the contentions of the respondents in the main O.P. with regard to the limitation issue.

4. Registry is directed to number the O.P., if it is otherwise in order and list the same for admission.

05.09.2023

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