

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**ARBITRATION APPEAL NO. 12 OF 2025
WITH
INTERIM APPLICATION NO. 6993 OF 2025**

Sneha Hill View Development Pvt. Ltd.
through authorized Director Nandu
Anantram Rajput

...Appellant/Applicant

V/s.

Rohan Builders LLP through Partner
Suhas Khushalchand Lunkad

... Respondent

Mr. Surel Shah, Senior Advocate with Mr. Ganesh Bhujbal for the
Appellant/Applicant

Mr. Girish Godbole, Senior Advocate with Ms. Manjiri Parasnis for the
Respondent

**CORAM : ALOK ARADHE, CJ. AND
SANDEEP V. MARNE, J.**

DATE : 14 AUGUST 2025

Oral Order (Per Chief Justice) :

1. This Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (Act of 1996) filed against an order dated 20 February 2025, passed by the District Judge, Vadgaon-Maval, District Pune, by which, Application preferred by the Appellant under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 574 days in filing an objection under

Section 34 of the Act of 1996 against the Award dated 7 November 2022 passed by the Sole Arbitrator, has been dismissed.

2. Facts giving rise to filing of this Appeal briefly stated are that an Award dated 7 November 2022 was passed by the Arbitrator in favour of the Respondent. Being aggrieved by the aforesaid Award, the Appellant filed an objection under Section 34 of the Act of 1996 on 2 February 2023 before the Principal District Judge, Pune. However, the Principal District Judge, Pune, by an order dated 3 May 2023, directed return of the objection for presentation before the proper Court.

3. Appellant complains that despite passing of order dated 3 May 2023, the papers were actually not returned to him. Therefore, the Appellant filed an application seeking the return of the papers. The Court, by an order dated 25 November 2024 directed the return of papers. The Petitioner, thereupon, on 27 November 2024 presented an application under Section 34 of the Act of 1996 before the District Judge, Vadgaon – Maval, District - Pune along with an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 574 days in filing the objection under Section 34 of the Act of 1996. The aforesaid application has been rejected by the Trial Court by impugned order on the ground that no sufficient cause for condonation of delay is made out. Hence, this Appeal.

4. The learned Counsel for the Appellant submitted that even

though the Trial Court had held that the provisions of Section 13 of the Limitation Act, 1963 applied to the fact situation of the case yet, it grossly erred in not granting the benefit of principle contained in Section 14 of the Limitation Act, 1963. Alternatively, it is submitted that the Trial Court ought to have appreciated that there is no delay in filing the application for condonation of delay under Section 34 of the Act of 1996 as the Appellant had filed the objection within the period of limitation before the Principal District Judge, Pune and after an order dated 25 November 2024 directing the return of the objection under Section 34 of the Act, 1996 had immediately filed the same within two days before the District Judge, Vadgaon-Maval, District Pune. It is, therefore, contended that impugned order be set aside.

5. On the other hand, the learned Senior Advocate for the Respondent has supported the order passed by the Trial Court and has submitted that no explanation has been offered by the Appellant for condonation of delay of 574 days.

6. We have considered the rival submissions made by the learned Counsel for the parties and have perused the record.

7. It is trite law that benefit of principles contained in Section 14 of the Limitation Act can be extended in favour of a litigant who diligently

prosecutes the proceeding. In the instant case, even though the Trial Court had passed an order on 3 May 2023 for return of the objection, yet the Appellant did not take any steps for the period of one and half years to obtain the papers from the Court for being presented before the District Judge, Vadgaon Maval. After a period of approximately one and half years, the Appellant filed an application on 25 November 2024 seeking return of papers. No explanation worth the name has been assigned on behalf of the Appellant for condonation of delay of one and half years period after the order was passed by the Trial Court on 3 May 2023. It is also pertinent to mention that the explanation offered by the Appellant about his inability to obtain the objection under Section 34 of the Act of 1996 on account of illness of son has been found to be incorrect by the Trial Court, who has found that the Appellant had entered appearance in the execution proceedings and had filed two applications therein on 13 June 2024 and 26 July 2024.

8. For aforementioned reasons, we agree with the conclusion arrived at by the Trial Court. In the result, we do not find any merit in this Appeal. The Appeal as well as the Interim Application are disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

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