IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
15 WRIT PETITION NO. 6366 OF 2026

Dnyaneshwar Vasant Shinde And Others
VERSUS
Fortune Integrated Assets Finance Ltd Mumbai

WITH
WRIT PETITION NO. 6347 OF 2026

Dnyaneshwar Vasant Shinde And Others
VERSUS
Fortune Integrated Assets Finance Ltd Mumbai

WITH
WRIT PETITION NO. 6350 OF 2026

Dnyaneshwar Vasant Shinde And Others
VERSUS
Fortune Integrated Assets Finance Ltd Mumbai

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Mr. Sushant Choudhari for the Petitioners.
Mr. Punit S. Mehta for the Respondent.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

1. By these Writ Petitions, the Petitioners assail the orders passed below Exh.1 in Civil Misc. Application Nos.55/2025, 54/2025 and 56/2025 dated 27th April 2026 whereby the application filed by the Petitioners for setting aside the orders dated 22nd January 2025 passed in Civil M.A. No.118/2021, 119/2021 and 120/2021 and restoration of said applications came to be

rejected.

2. The Civil M.A. Nos.118/2021, 119/2021 and 120/2021 were filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short "the Act") for setting aside the arbitral awards dated 11th June 2021.

3. Brief facts of the case are such that the sole Arbitrator decided the arbitration application filed by the Respondent by its order dated 11th June 2021 in favour of the Respondent. Aggrieved by which the Petitioners filed Civil Misc. Applications under Section 34 of the Act for setting aside the said arbitral awards. The learned Principal District and Sessions Judge, Osmanabad dismissed the said applications in default by recording a finding that since 1st July 2022, the applications were pending and even on 22nd January 2025 i.e. the date of passing of order, the Applicants were absent.

4. Thereafter, the Petitioners filed applications for setting aside the order of dismissal in default, but the said applications were also rejected by the learned Principal and District Judge, Osmanabad. Against such dismissals, present Writ Petitions are filed.

5. Mr. Choudhari, learned counsel for the Petitioners submits that the learned Trial Court erroneously dismissed the application for setting aside the order of dismissal in default by reaching a conclusion that the Petitioners were not intending to prosecute the applications. He submits that the learned Reference Court has taken a hyper technical approach. The applications ought to have been decided on merits by hearing both the sides,

but the learned Trial Court dismissed the said applications which has caused prejudice to the Petitioners. He submits that in the interest of justice, the Petitioners must be heard and applications must be decided on merits. Therefore, he prays to allow the Writ Petitions.

6. Per contra, Mr. Mehta, learned counsel for the Respondent submits that the applications were rightly rejected by the learned Trial Court as the Petitioners were not diligent in prosecuting the matter. He submits that the present Writ Petitions are not maintainable as there lies alternate and equally efficacious remedy of filing an Appeal from Orders under the provisions of Civil Procedure Code. He further submits that the learned Trial Court has recorded appropriate findings for rejecting the said applications. Therefore, he prays to dismiss the Writ Petitions.

7. Having heard learned counsel for the respective parties, I have gone through the paperbook including the impugned orders. It is not in dispute that the applications were pending since 2022 and the Petitioners have miserably failed to prosecute the matters diligently. Even they failed to attend the Court on the date of passing of order of dismissal in default.

8. However, the matters ought to have been decided on merits by granting an opportunity of hearing to both the parties. The applications must not be rejected on hyper technical grounds. Thus, in the interest of justice, to grant one more opportunity to the Petitioners to prosecute the matter, the impugned orders require to be set aside subject to imposition of

appropriate costs. Hence, I pass the following order:-

O R D E R

i. The Writ Petitions are allowed.

ii. The impugned orders passed below Exh.1 in Civil Misc. Application Nos.55/2025, 54/2025 and 56/2025 dated 27th April 2026 are quashed and set aside subject to payment of costs of Rs.10,000/- each by the Petitioners within a period of two weeks from today.

iii. The Civil M.A. Nos.118/2021, 119/2021 and 120/2021 are restored to their original position.

iv. Upon deposit of aforesaid costs, the same shall be transmitted to Advocates Association Bar Library, Bombay High Court, Bench at Aurangabad.

9. The counsel for both the sides jointly request for direction to the learned Trial Court to decide the said applications within a stipulated period. Therefore, the learned Trial Court is directed to decide the said applications within a period of four months from today. The parties shall not seek unnecessary adjournments and shall cooperate with the learned Trial Court for quick disposal of the said applications.

[SIDDHESHWAR S. THOMBRE, J.]