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IN THE COURT OF PRINCIPAL DISTRICT JUDGE, SOLAPUR

Civil Misc. Appln. No. 181/2025

CNR : MHSO01-002117-2025

Mahadev Amrut Mane etc. ... Applicants

V/s.

M/s. IndusInd Bank Limited ... Opponent

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ORDER BELOW EXH. 1

(Dated 13th March, 2026)

1 Heard learned advocate for the applicant and opponent.

Perused the record.

2 This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 4 years, 3 months and 20 days in filing application against the Arbitral Award dated 12/04/2021 passed in A.C.P No.1206/2020.

3 It is stated by the applicants that, the applicants were not aware that, any arbitral proceeding is pending against them and they became aware, when suddenly, they received a notice from the Court. The applicants claimed that, since no notice was served on them, they were not aware of passing of the Award and entire proceeding before the learned Arbitrator conducted ex-parte without their participation in the same. Due to non service of notice, the applicants were unable to remain present and file written statement raising their defence therein. Hence, prayed to allow the application and to condone the delay.

4 The application is strongly opposed on the ground that,

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the applicants were properly served with the notice of arbitration proceedings and there is an inordinate delay of more than 4 years, which could not be condoned and hence, prayed to reject the application.

5 Initially, the opponent bank filed photo copies of the documents pertaining to the arbitration proceedings and at a later stage, certified copies of the same were filed on record. Upon careful perusal of the certified copies so produced clearly show that, the address of applicant No.1 is mentioned as, "A/P Kisan Nagar, Akkalkot Road, Solapur, Pin – 413006". Said address is mentioned in the customer details of the opponent bank. The certified copies also show that, several acknowledgments and copies of the envelopes showing the address of the applicant No.1 as "A/P Kisan Nagar, Akkalkot Road, Solapur, Pin – 413006" bears remark of the post office as address incomplete and therefore returned.

6 Thus, the documents available on record are sufficient to clearly show that, no notice of the arbitral proceeding was served to either of the applicant and the arbitral proceedings proceeded ex-parte. The documents so filed on record do not disclose that, apart from sending notice by post, when none of them got served to the applicants, no alternative mode of service like paper publication in the news paper etc. was adopted and though none of the notice was served on the applicants, the matter was proceeded ex-parte and an arbitration award was passed.

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7 Thus, there are bonafides in the contention so made by the applicants and it can not be said that, these applicants were duly served and they intentionally remained absent before the learned Arbitrator. Certainly, an Arbitral Award is passed against the applicants and in view of aforesaid circumstances, they deserve an opportunity to raise their defence by challenging the Arbitral Award as per the provisions of the Arbitration and Conciliation Act, 1996.

8 Considering aforesaid aspects, it is apparent that, it is not the quantum of delay which does matter, but, it is the cause which does matter. The cause in the present case is apparent, which clearly show that, both the applicants were unaware about pendency of any arbitral proceeding against them. Therefore, the delay so caused deserves to be condoned. Hence, following order is passed.

: ORDER :

- 1 Application is allowed.
- 2 The delay caused in preferring application against the Arbitral Award dated 12/04/2021 passed in A.C.P. No.1206/2020 is hereby condoned.
- 3 The office to register application in accordance with law.

Date : 13/03/2026

(**Manoj S. Sharma**)
Principal District Judge,
Solapur

CERTIFICATE

I affirm that the contents of this PDF file Order are same word to word, as per the original Order.

Name of Stenographer	: Sou.Javalgekar M.C.
Court	: Principal District & Sessions Judge, Solapur
Date	: 13/03/26
Order signed by the Presiding Officer on	: 17/03/26
Order uploaded on	: 17/03/26