



IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 26<sup>th</sup> OF MARCH, 2026

ARBITRATION APPEAL No. 22 of 2026

***LATE SHRI SMT. NAVLIBAI W/O SHRI SHRI BHAGWANLAJJI  
MEHTA DECEASED THROUGH HER LEGAL REPRESENTATIVES AND  
OTHERS***

*Versus*

***MOTILAL KHATRI***

.....  
**Appearance:**

Shri Arpit Kumar Oswal - Advocate for the appellant.

Shri Girish Patwardhan, Senior Advocate assisted by Shri Paresh Joshi  
- Advocate for the respondent.  
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**ORDER**

***Per. Justice Vijay Kumar Shukla***

The present Appeal is filed under Section 37 of the Arbitration and Conciliation Act (hereinafter to be referred to as "the Act") being aggrieved by the order dated 12/12/2025 passed by Ld. Additional District Judge, Commercial Court, Indore in MJC (AV) No.60/2024 whereby the Court has dismissed the application for condonation of delay and as a consequence the application filed by the appellant under Section 34 of 'the Act' has been rejected.

2. The appellant filed an application under Section 34 of 'the Act' before the Court against the award alongwith the application for condonation



of delay. The said application has been rejected, in view of the limitation.

3. Counsel for the appellant argued that the Court has committed an error while rejecting the application for condonation of delay without considering the provisions of sub-Section 3 of Section 34 of 'the Act'. He submitted that the period ought to have been considered as per the provisions of sub-Section 5 of Section 31 of the Act. The period of limitation would start when the signed copy of the award has been delivered to the parties. He argued that copy of the award was not delivered to him by the Arbitrator on 15/3/2024.

4. Per contra, counsel for the respondent supported the impugned order and submitted that the appellant was very much present on the said date and, therefore, it has to be presumed that copy was delivered to him on 15/3/2024 itself. Therefore, the application under Section 34 of the Act was not filed within the limitation period.

5. We have heard learned counsel for the parties and the issue before us is "whether the appellant was present on the date when the award was passed and whether the copy was delivered to him by authorities as required under section 31(5) of the Act."

6. To appreciate the aforesaid, the order-sheet dated 15/3/2024 of the Arbitrator is reproduced as under:-

*Shri Paresh Joshi, counsel for the claimant, along with the claimant.*

*Shri Ronak Jain, counsel for the respondents.*

*Award passed and delivered. Signed copies of the award were delivered to the parties.*

*The case is now closed.*

7. Upon perusal of the aforesaid order-sheet of the arbitrator, it is



pellucid that the presence of the counsel for the claimant alongwith the claimant is marked, however, the presence of the respondent/present appellant is not mentioned in the order dated 15/3/2024. Only the name of his counsel/Shri Ronak Jain is mentioned in the order-sheet. It is further mentioned that "award passed and delivered". Signed copies of the order were delivered to the parties. As per the provisions of Section 31(5) of the Act, it is the duty of the Arbitrator to deliver a signed copy to each party. From the aforesaid order-sheet, it is axomatic that the presence of the present appellant/respondent was not recorded and the copy of the award was not delivered to them. The provisions of Section 34(3) of the Act has to be read alongwith Section 31(5) of the Act and, therefore, the limitation would count from the date when signed copy of the award is delivered to the appellant(s). The aforesaid aspect have not been considered while rejecting the application for condonation of delay.

7. In view of the aforesaid, the impugned order is set aside. The Court is directed to decide the application for condonation of delay afresh keeping in view the provisions of Sections 34 and 31(5) of the Act.

8. With the aforesaid, present appeal is **allowed and disposed of.**

(VIJAY KUMAR SHUKLA)  
JUDGE

(ALOK AWASTHI)  
JUDGE

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