

(Equivalent Citation:- 2004(1) RAJ 332, 2004(72) DRJ 132, 2004(1) AD(Del.) 550, 2003(3) ArbLR 681, 2004(1) RAJ 332, 2004(72) DRJ 132, 2004(1) AD(Del.) 550)
108 (2003) Delhi Law Times 654

Delhi High Court

S.K. Mahajan, J.

CHAUDHARY TRANSPORT & CO. —Appellant

versus

THE MOTOR GENERAL FINANCE LTD. AND OTHERS —Respondents

FAO No. 413 of 2002 & CM 816 of 2002—Decided on 17.11.2003

Arbitration Act, 1940 — Sections 30, 33 — Limitation Act, 1963 — Sections 5, Art. 119 — Setting aside Award : Condonation of delay : Provisions of Section 5, Limitation Act applicable : Since limitation for filing application under Sections 30 and 33 of Arbitration Act prescribed by Art. 119 of Limitation Act, no reason as to why provisions of Section 5 of Limitation Act cannot be applied to condone delay in filing such application : Impugned order set aside with directions to ADJ to decide application of appellant under Section 5 of Limitation Act.

[\[Paras 4, 5\]](#)

Result : Appeal allowed.

Cases referred :

1. 2000 RLR 457. (*Referred*)
2. 2 (2001) SLT 289=(2001) 2 AD (SC) 293. (*Applicable*)

[\[Para 2\]](#)

[\[Para 4\]](#)

Counsel for the Parties :

For the Appellant : Mr. **R.M. Sinha**, Advocate.

For the Respondents : Mr. K.R. Beriwal, Advocate.