

Law, provides for the enforcement of arbitral awards that are not covered under the ambit of either the New York or the Geneva Conventions. Part II of the Act is in tune with the provisions of the New York Convention. As per Section 46 of the Act, the provisions of Part II applies if the arbitral award is in pursuance of arbitration agreement under the Convention and the award is made in those States or in within the territorial limits of such place that has been notified by the Government of India.

An award can be challenged and set aside only by way of an application under Section 36 of the Act and only the basis of the circumstances listed under it. An application for setting aside an award must be made within three months of receipt of the award by the applicant subject to a further extension of 30 days on sufficient cause being shown. An application beyond this period is time-barred and further delay cannot be condoned.

### STAY OF ACTION

The multiplicity of suits sometimes results in injustice and inconvenience the domestic law of the country lay down rules for stay of actions pending before it or for restraining a party proceeding from further with his action that he had filed in foreign country.

#### **Lis alibi Pendens**

The court has jurisdiction to stay an action in England or to restrain by injunction the institution or continuance of proceeding in a foreign court to prevent simultaneous legal proceeding in different countries regarding the same cause of action. In such a situation the defendant in the English action may arise the plea of lis allibi pendens(suit pending elsewhere).

The question may arise in two different situations:-

- (a) The plaintiff in England is also the plaintiff in the foreign proceedings.

Here the court may stay the England proceeding or injunct the plaintiff not to proceed with foreign proceeding. The court can also require the plaintiff to elect between the two proceedings. If the plaintiff disobeys

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**G Psacharopoulos**



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## **Table of Contents Law Incident Report Not Filed Continuance**

1. Understanding the eBook Law Incident Report Not Filed Continuance
  - The Rise of Digital Reading Law Incident Report Not Filed Continuance
  - Advantages of eBooks Over Traditional Books
2. Identifying Law Incident Report Not Filed Continuance
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Law Incident Report Not Filed Continuance
  - User-Friendly Interface
4. Exploring eBook Recommendations from Law Incident Report Not Filed Continuance
  - Personalized Recommendations
  - Law Incident Report Not Filed Continuance User Reviews and Ratings
  - Law Incident Report Not Filed Continuance and Bestseller Lists
5. Accessing Law Incident Report Not Filed Continuance Free and Paid eBooks

- Law Incident Report Not Filed Continuance Public Domain eBooks
- Law Incident Report Not Filed Continuance eBook Subscription Services
- Law Incident Report Not Filed Continuance Budget-Friendly Options
- 6. Navigating Law Incident Report Not Filed Continuance eBook Formats
  - ePub, PDF, MOBI, and More
  - Law Incident Report Not Filed Continuance Compatibility with Devices
  - Law Incident Report Not Filed Continuance Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Law Incident Report Not Filed Continuance
  - Highlighting and Note-Taking Law Incident Report Not Filed Continuance
  - Interactive Elements Law Incident Report Not Filed Continuance
- 8. Staying Engaged with Law Incident Report Not Filed Continuance
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Law Incident Report Not Filed Continuance
- 9. Balancing eBooks and Physical Books Law Incident Report Not Filed Continuance
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Law Incident Report Not Filed Continuance
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Law Incident Report Not Filed Continuance
  - Setting Reading Goals Law Incident Report Not Filed Continuance
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Law Incident Report Not Filed Continuance
  - Fact-Checking eBook Content of Law Incident Report Not Filed Continuance
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

#### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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