

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 15 OF 2014
IN
ARBITRATION PETITION NO. 40 OF 2013**

Pravinkumar M. Khabiya .. Applicant
(Orig. Respondent)

In the matter between :

Phoenix Infra Estate International Ltd .. Petitioner

Vs.

Khabiya Group

Mr. Nitin Khabiya and Ors.

Through their Power of Attorney

Mr. Pravinkumar M. Khabiya .. Respondent

Mr. Uday B. Nighot for the Applicant.

None for the Respondent.

CORAM : A.A. SAYED, J.

DATED : 5 MARCH, 2015

P.C.

1) This Civil Application is filed by the Applicant/Original Respondent challenging the order dated 11 July 2014 appointing an Arbitrator.

2) The learned Counsel for the Applicant states that though his Vakalatnama was filed in the Arbitration Petition, his name was not reflected on the Board and the order dated 11 July 2014

appointing an Arbitrator was passed in his absence. A copy of the Daily Board of 11 July 2014 is annexed as Exh.'B' to the Civil Application.

- 3) None appears on behalf of the Petitioner though served.
- 4) It is argued on behalf of the Applicant that the Applicant has good case on merits as the Petitioner has ceased to have interest in the subject properties. Inasmuch as the order dated 11 July 2014 was passed without hearing the Respondent as the name of the Advocate for the Respondent was not reflected on the Board, interest of justice would be served, if the order dated 11 July 2014 is recalled and the Arbitration Petition is heard afresh. It is accordingly ordered. The Arbitration Petition shall stand revived. List the Arbitration Petition on 26 March 2015. Reply to the Petition to be filed by the Applicant/Original Respondent before the next date.
- 5) Civil Application to stand disposed of accordingly.

(A.A. SAYED, J.)