

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 558 OF 2015
IN
ARBITRATION PETITION NO. 1297 OF 2012

Mrs. Smita Pradeep Karwarkar **Applicant**

IN THE MATTER BETWEEN

Mrs.Smita Pradeep Karwarkar **Petitioner**

VERSUS

M/s.Kotak Mahindra Prime Ltd. **Respondent**

Mr.Pawankumar Pandey, i/b. Clayderman & Co. for the Applicant.

Ms.Deepa Shetty, i/b. Mr.Jitendra Shukla for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 5th MAY, 2015

P.C.

By this notice of motion, the petitioner seeks restoration of the arbitration petition dismissed by this court for want of prosecution on 13th April, 2015.

2. Learned counsel appearing for the applicant states that the applicant has already filed a statement and according to that statement, the respondent has recovered much more than the liability of the petitioner to the respondent and nothing is due and payable to the respondent. The petitioner seeks to proceed with the hearing of the arbitration petition.

3. It is the case of the applicant that the learned advocate representing the petitioner was out of town when the matter was called out last time and thus was absent.

4. For the reasons recorded in the affidavit in support of the notice of motion, notice of motion is made absolute in terms of prayer (a). Order dated 13th April, 2015 is set aside. Arbitration Petition No.1297 of 2012 is restored to file and to be placed on board for final hearing on **15th June, 2015**. No order as to costs.

[R.D. DHANUKA, J.]