

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 886 OF 2015
IN
ARBITRATION PETITION NO. 214 OF 2014

Central Warehousing Corporation Applicant
(Org.Petitioners)

IN THE MATTER BETWEEN

Central Warehousing Corporation Petitioners

VERSUS

Aqdas Maritime Agency Private Limited Respondent

Mr.Sandeep Shukla, i/b. Mr.Rajesh Mirchandani for the Applicant.

Mr.Pawankumar Pandey, i/b. Clayderma & Co. for the Respondent.

CORAM : **R.D. DHANUKA, J.**

DATED : **6th JULY, 2015**

P.C.

By this Notice of Motion the petitioner seeks restoration of the Petition dismissed by this court on 31st March, 2015. No affidavit in reply is filed by the respondent. On perusal of the affidavit in support of the notice of motion, I am satisfied that the case is made out for restoration of the petition. The advocate representing the petitioner could not remain present due to sufficient cause shown in the affidavit in support.

2. Learned counsel appearing for the respondent states that no case is made out in affidavit in support for setting aside the order of dismissal passed by this court on 31st March, 2015. He submits that there is no prayer for condonation of delay in filing notice of motion.

3. A perusal of the Roznama indicates that the respondent was also absent when the matter was called out twice on 24th March, 2015.

4. In my view there is no substance in the submission of the learned counsel appearing for the respondent that there is no prayer for condonation of delay. I am inclined to condone the delay also in filing the present notice of motion, if any. I therefore, pass the following order :-

- (a) Notice of motion is made absolute in terms of prayer
- (a).
- (b) Arbitration Petition No.214 of 2014 is restored to file.
- (c) Delay if any in filing notice of motion is condoned.
- (d) No order as to costs.

[R.D. DHANUKA, J.]