

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

**CIVIL APPLICATION NO. 13 OF 2016
IN
ARBITRATION PETITION NO. 38 OF 2015**

Shri Subhash Babulal Mutha ... **Applicant/Petitioner.**
Versus
Global Energy Private Ltd. ... **Respondent.**

Ms.T.J.Kapre i/b. Mr.Sanjay Kshirsagar for the Applicant/Petitioner.
None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 29TH JULY, 2016.

P.C. :

1. By this civil application, the applicant seeks restoration of the Arbitration Petition which was dismissed for want of prosecution by an order dated 15th January, 2016. The learned counsel appearing for the applicant states that none had appeared for the respondent when the matter was dismissed for want of prosecution by this Court on 15th January, 2016, though the respondent was served.

2. I have perused the Civil application filed by the applicant. For the reasons recorded in the Civil Application, a case is made out for recall of the order dated 15th January, 2016 passed by this Court. The order dated 15th January, 2016 passed by this Court is recalled. Arbitration Petition No. 38 of 2015 is restored to file.
3. The applicant is permitted to file affidavit of service of Arbitration Petition No. 38 of 2015 within one week from today. Civil Application is disposed of in the aforesaid terms.
4. Place the Arbitration Petition for admission on 12th August, 2016. The applicant is directed to issue fresh notice upon the respondent and file an affidavit of service.

(R.D. DHANUKA, J.)