

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4 OF 2016
IN
ARBITRATION PETITION NO. 68 OF 2014

M/s.Kaeser Compressors (India) Pvt. Ltd.

..... Applicant

VERSUS

M/s.Proxcel – e & Anr.

..... Respondents

Mr.Chaitanya Nikte for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 1st APRIL, 2016

P.C.

Learned counsel for the applicant states that the respondents were already served with the papers and proceedings of the arbitration petition but none appeared even at this stage.

2. The applicant has already filed affidavit of service effecting service of the papers and proceedings of the arbitration petition.

3. By this civil application, the applicant seeks condonation of delay of 60 days in filing this civil application and seeks recall of the order dated 18th December, 2015 passed by this court dismissing the arbitration petition for default.

4. Learned counsel for the applicant states that when the matter had appeared before this court on 18th December, 2015, the applicant had filed leave note on 14th

December, 2015 informing the Registrar that the learned advocate would be unable to appear in the court from 14th December, 2015 to 18th December, 2015 due to some personal reasons. The learned advocate accordingly could not remain present when the matter was called out on 18th December, 2015.

5. For the reasons recorded in the civil application, delay of 60 days in filing the civil application is condoned. Order dated 18th December, 2015 passed by this court is recalled. Arbitration Petition No.68 of 2014 is restored to file. No order as to costs.

6. Place the arbitration petition on board for hearing on **15th April, 2016**.

[R.D. DHANUKA, J.]