

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.165 OF 2016
IN
CHAMBER SUMMONS (L)NO.1769 OF 2015
IN
EXECUTION APPLICATION NO.240 OF 2011
IN
FOREIGN AWARD DATED 17TH JANUARY, 2011**

Mrs. Lata Pradeep Mittal

...Applicant

In the matter between

Asian Natural Resources (India)Ltd.

...Org. Claimant/
Award Debtor

V/s.

Vitol S.A.

...Org. Respondent/
Award Holder

.....

Mr. Z.T. Andhyarujina, Mr. A. Majumdar, Mr. Aditya Krishnamurthy, Mr. Abraham Varguses, Ms. D. Sen i/b. Bose & Mitra & Co. for the Award Holder.

Ms. Ankita Singhania i/b. Gordhandas & Fozdar for the Claimant/Award Debtor.

Mr. Faran M. Khan i/b. Mustafa Banatwala for the Applicant in NMS/165/2016.

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CORAM : A. K. MENON, J.

DATE : 16TH FEBRUARY, 2016.

PC.:

This is an application for recall/setting aside the order dated 9th December, 2015 whereby the Chamber Summons came to be dismissed for default. The affidavit in support of the present Notice of

Motion filed by the Advocate for the applicant. The deponent has set out the reasons why he could not remain present. In paragraph 3 he has stated that on 2nd December, 2015 his eldest maternal uncle passed away. He had to travel to attend to the obsequial ceremony and returned to Mumbai only on 11th December, 2015. In the meantime, the Chamber Summons appeared on board and came to be dismissed.

2] As far as the claimants are concerned, there is no affidavit in reply as such there is no serious opposition on behalf of the claimants. I am satisfied with the reasons provided in the affidavit in support of the Notice of Motion. Accordingly the Notice of Motion is made absolute in terms of prayer clause (a).

3] The Chamber Summons to be listed on 26th February, 2016.

(A. K. MENON, J.)