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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1136 OF 2016
IN
ARBITRATION PETITION (LODGING) NO.1848 OF 2014

Amin H. Shaikh & Anr. ...Applicants

IN THE MATTER BETWEEN :

Amin H. Shaikh & Anr. ...Petitioners

V/s.

Mahindra & Mahindra Finance Service Ltd. & Anr. ...Respondents

None for the Applicants / Petitioners.

Ms.R. Mascranhes i/b Ms.Priya Crasta for the Respondent No.1.

CORAM : R.D. DHANUKA, J.

DATE : 30TH JUNE, 2016.

P.C. :-

1. None for the applicants. By this notice of motion, the applicants seek recall of the order dated 24th March, 2015 passed by the Prothonotary & Senior Master under Rule 986 of the Bombay High Court (Original Side) Rules and seek restoration of Arbitration Petition (Lodging) No.1848 of 2014. No affidavit in reply has been filed by the respondents.

2. I have perused the affidavit in support of the notice of motion. The applicants have explained the reasons for remaining

absent before the learned Prothonotary & Senior Master on 24th March, 2015 and for not removing office objections within the time prescribed.

3. For the reasons recorded in the affidavit in support of the notice of motion, conditional order passed by the Prothonotary & Senior Master on 24th March, 2015 is set aside. The arbitration petition is restored to file on the condition that the applicants remove all the office objections within two weeks from today, failing which the arbitration petition to stand dismissed without further reference to the Court. It is made clear that no further extension would be granted for removing the office objections.

4. The notice of motion is made absolute in aforesaid terms. No order as to costs.

5. If the applicants remove all the office objections within the aforesaid period and the arbitration petition is numbered, the respondents shall file affidavit in reply within two weeks from the date of getting the petition numbered and shall serve a copy thereof upon the applicants' advocate simultaneously.

6. If the arbitration petition is numbered, place the arbitration petition on board for admission on 3rd August, 2016.

(R.D. DHANUKA, J.)