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

NOTICE OF MOTION NO.1045 OF 2013
IN
ARBITRATION PETITION NO.239 OF 2013

M/s.Satsahib Cotton Pressing Factory ...Applicant

IN THE MATTER BETWEEN :

M/s.Satsahib Cotton Pressing Factory ...Petitioner

V/s.

M/s.C.A. Galiakotwala & Co. Pvt. Ltd. ...Respondent

Mr.Abhishek Singh i/b Dr.Saikumar Pathrudu for the Applicant /
Petitioner.

Mr.Rohan Rajadhakshya with Ms.Pooja Batra i/b M.S. Bodhanwala &
Co. for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14TH JULY, 2016.

P.C. :-

1. By this notice of motion the applicant seeks recall of the order dated 24th June, 2013 and seeks restoration of the arbitration petition which was dismissed for default on 24th June, 2013. Though the notice of motion was filed in the year 2013, the applicant did not apply for early hearing of the notice of motion. The respondent in the meanwhile has already filed an application for execution of the impugned award.

2. In my view, the interest of justice would be met with if the order dated 24th June, 2013 is recalled and the arbitration petition is restored to file however, on the condition that the applicant pays Rs.25,000/- to the respondent within two weeks from today as cost condition precedent. If the costs of Rs.25,000/- is not paid within two weeks from today, the arbitration petition to stand dismissed without further reference to the Court.

3. The order dated 24th June, 2013 is recalled. The arbitration petition is restored to file upon the condition that the costs of Rs.25,000/- is paid to the respondent as stated aforesaid as a condition precedent.

4. The respondent is permitted to file additional affidavit to the petition within three weeks from today and shall serve a copy thereof upon the petitioner's advocate simultaneously.

5. Place the arbitration petition on board for admission on 10th August, 2016.

(R.D. DHANUKA, J.)