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

NOTICE OF MOTION (LODGING) NO.1701 OF 2016
IN
ARBITRATION PETITION (LODGING) NO.516 OF 2015

Kanti M. Mange & Anr. ...Applicants

IN THE MATTER BETWEEN :

Kanti M. Mange & Anr. ...Petitioners

V/s.

Ashish R. Patel & Ors. ...Respondents

Mr.Simil Purohit i/b Mr.Vikas B. Pandey for the Applicants /
Petitioners.

Mr.Ramesh Gupta i/b Mr.Vijay M. Vaghela for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 16TH JUNE, 2016.

P.C. :-

1. By this notice of motion the applicants seek restoration of the Arbitration Petition (Lodging) No.516 of 2015 and pray for setting aside the conditional order of dismissal dated 16th June, 2015 passed by the learned Prothonotary & Senior Maser under Rule 986 of the High Court (Original Side) Rules.

2. Heard the learned counsel for the parties and have perused the affidavit in support of the notice of motion. No affidavit in

reply has been filed. Learned counsel appearing for the respondents states that the delay in filing this notice of motion is not properly explained.

3. A perusal of the affidavit in support of the notice of motion indicates that the applicants have explained the delay in filing the notice of motion, though not sufficiently explained. It is the case of the applicants that the applicant no.1 was not keeping good health and had annexed the copies of the medical reports to the affidavit in support of the notice of motion.

4. For the reasons recorded in the affidavit in support of the notice of motion and on payment of cost of Rs.2500/- which shall be paid by the applicants to the respondents within one week from today, the notice of motion is made absolute in terms of prayer clause (a). The order dated 16th June, 2015 passed by the learned Prothonotary & Senior Master is set aside. Arbitration Petition (Lodging) No.516 of 2015 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.

5. If all the office objections are removed by the applicants and if the petition is numbered, place the arbitration petition on board

for admission on 14th July, 2016.

6. The notice of motion is disposed of in aforesaid terms.

(R.D. DHANUKA, J.)