

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

**NOTICE OF MOTION NO.2466 OF 2009
IN
CHAMBER SUMMONS NO.607 OF 2008
IN
SUIT NO.800 OF 1991**

Sagarmal Rathi

....Plaintiff

V/s.

Mahanagar Telephone Nigam Ltd.

....Defendants

None for the plaintiff.

Ms.S.I.Shah i/by S.I.Shah & Co. for defendant no.1/applicant in
Chamber summons.

CORAM : K.R.SHRIRAM,J

DATE : 6.10.2016

P.C.:-

1 This Notice of Motion is to recall the order dated 18.6.2009 and restore the Chamber summons No.607 of 2008 to file. I have considered the affidavit in support and I am satisfied with the explanation given therein. Therefore, Notice of Motion is allowed and the Chamber Summons No.607 of 2008 is restored to file.

2 Notice of Motion accordingly disposed.

CHAMBER SUMMONS NO.607 OF 2008

3 This chamber summons is to condone 38 days delay in notifying appointment of an Arbitrator in compliance of an order dated 25.10.2007 passed by this court.

4 In paragraph-3 of the affidavit in support of the Chamber summons, it is stated that the Arbitrator has already been appointed pursuant to Reference order dated 28.1.2008 and the reasons for the delay is explained in the affidavit in support. In the circumstances, Chamber summons is allowed in terms of prayer clause-(a) and accordingly disposed. It is noted that the suit is already disposed by an order dated 25.10.2007.

(K.R.SHRIRAM,J)