

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

**NOTICE OF MOTION NO.2468 OF 2009  
IN  
CHAMBER SUMMONS NO.725 OF 2008  
IN  
SUIT NO.2107 OF 1991**

Smt.Yashodabai w/o Devkishan Mohta ....Plaintiff

V/s.

Mahanagar Telephone Nigam Ltd. ....Defendants

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None for the plaintiff.

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

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**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.725 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.725 of 2008 is restored to file.

2           Notice of Motion accordingly disposed.

**CHAMBER SUMMONS NO.725 OF 2008**

3           This chamber summons is to condone 44 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 1.2.2008 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)**