

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1867 OF 2016
IN
ARBITRATION PETITION (L) NO. 88 OF 2016

M/s. Globe Capital Market Ltd.Applicant
(Orig. Petitioner)

IN THE MATTER BETWEEN :-

M/s. Globe Capital Market Ltd.Petitioner
V/s.

M/s. HRIM Finance and Securities
Pvt. Ltd.Respondent

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Ms. Kokila Kalra, Advocate for the petitioner.
Mr. Sunil Vyas a/w. Mr. Pramoy Prateek i/by. Mansukhlal Hiralal
& Co., Advocate for the respondent.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH OCTOBER, 2016.

P.C. :-

1). This Notice of Motion is taken out for restoration of the Arbitration Petition which stood dismissed on 3rd May, 2016 pursuant to the order dated 12th April, 2016 passed by the Prothonotary & Senior Master. By that order, the petitioner was

directed to remove office objections and get the same numbered on/or before 3rd May, 2016. One of the office objections to the petition was non-filing of an application for condonation of delay in filing the main proceedings. There were also other office objections as regards the legibility of the annexures to the petition. As the affidavit filed in support of the Notice of Motion was found deficient in certain details, the petitioner was permitted to file an additional affidavit to support the Notice of Motion. The petitioner has accordingly filed the additional affidavit to support the Notice of Motion.

2). Since the order dated 12th April, 2016 for rejection of the petition was to be operative from 3rd May, 2016, it was necessary for the petitioner to file the present Notice of Motion latest by 2nd June, 2016. It, however, came to be filed on 25th July, 2016 and that too without a prayer for condonation of delay. In the affidavit filed to support the Notice of Motion, the petitioner claimed that it's Advocate, for the purposal of removal of office objections, had prepared the Notice of Motion for condonation of delay and sent it to Delhi for the signature on the Affidavit. The Affidavit was signed on 21st June, 2016 and returned to Mumbai. This claim, however, does not explain the delay in taking out the present Notice of Motion. In the additional affidavit, the petitioner has claimed that the instructing advocate at Mumbai had immediately sent the present Notice of Motion for restoration in the month of June, 2016 to Delhi where the petitioner, Company is located. After due completion of the

documents, the same was sent back to Mumbai and registered on 25th July, 2016.

3). Though the explanation sought to be given is devoid of sufficient details, considering the fact that the petition stood rejected at the threshold, in my opinion, an opportunity can be given to the petitioner by restoring the petition by imposing costs upon it. Therefore, the Notice of Motion is allowed, on the petitioner paying costs quantified at Rs.25,000/- (Rs. Twenty Five Thousand only) to the respondent within one week from today. The petitioner shall remove office objections within a period of 3 weeks thereafter. If the office objections are not removed within the time granted, the petition will stand dismissed without reference to the Court.

(SMT. R.P. SONDURBALDOTA, J)