

vai

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

NOTICE OF MOTION NO.2352 OF 2011
IN
ARBITRATION PETITION NO.654 OF 2010

Sandeep S. Arora ...Applicant

IN THE MATTER BETWEEN :

Sandeep S. Arora ...Petitioner

V/s.

M/s.Tata Motors Limited ...Respondent

Mr.Jamshed Ansari with Mr.D.Ansari for the Applicant / Petitioner.

Mr.Chinmay Gupte i/b Mohit Gadkari & Co. for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 4TH AUGUST, 2016.

P.C. :-

1. By this notice of motion, the applicant seeks condonation of delay of 126 days in filing the notice of motion and seeks recall of the order dated 19th January, 2011 passed by this Court dismissing the arbitration petition for default. No affidavit in reply has been filed by the respondent, though served.

2. It is submitted by the learned counsel for the respondent that the delay of 126 days in filing the notice of motion is not sufficiently explained. I have perused the affidavit in support of the

notice of motion and heard the learned counsel for the parties. In my view, the delay is sufficiently explained in the affidavit in support of the notice of motion. The case is made out for condonation of delay and for recall of the order dated 19th January, 2011.

3. For the reasons recorded in the affidavit in support of the notice of motion, the order dated 19th January, 2011 is recalled. The delay of 126 days in filing the notice of motion is condoned. Arbitration Petition No.654 of 2010 is restored to file.

4. The notice of motion is accordingly disposed of in aforesaid terms. No order as to costs.

5. At the request of the learned counsel appearing for the respondent, the petitioner is directed to furnish an additional copy of the arbitration petition along with annexures to the learned counsel for the respondent within one week from today.

6. Place the arbitration petition on board for admission on 14th September, 2016.

(R.D. DHANUKA, J.)