

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 3460 OF 2010
IN
ARBITRATION PETITION NO. 847 OF 2010

Vaidyanath Sahakari Grahak Bhandar Ltd. Petitioner

VERSUS

**The Apex Urban Co-op.Bank of Maharashtra
and Goa Ltd. Respondent**

Mr.Sarang S.Aradhya for the Petitioner.

Mr.Vijay Chavan for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 25th NOVEMBER, 2016

P.C.

By this notice of motion, the applicant seeks condonation of delay of 185 days in filing notice of motion and seeks restoration of the arbitration petition which is dismissed by this court by an order dated 19th March, 2009 in view of the applicant not removing office objections since 2nd July, 2009 till dismissal of the arbitration petition.

2. Learned counsel for the applicant has filed his personal affidavit pointing out as to why he could not remain present before this court when the matter was dismissed for want of prosecution and why the objections could not be removed by his client.

3. Learned counsel for the respondent on the other hand states that delay is not properly explained. He submits that the applicant has not bothered to remove the office objections for more than eight months from the date of the court officer

raising objections.

4. It is not in dispute that the respondent has not taken any steps in execution of the impugned award. I am inclined to accept the explanation given by the learned counsel in his personal affidavit filed in support of the notice of motion.

5. Notice of motion is accordingly made absolute in terms of prayer clauses (a) and (b) on the condition that the applicant removes all office objections within two weeks from today.

6. It is made clear that if the office objections are not removed within two weeks from today, the arbitration petition to stand dismissed without further reference to court. There shall be no order as to costs.

7. Affidavit in reply if any, shall be filed within four weeks from today and a copy thereof shall be served upon the applicant's advocate simultaneously. Rejoinder if any, shall be filed within two weeks from the date of receipt of affidavit in reply.

8. Place the arbitration petition on board for admission after **six weeks**.

(R.D.DHANUKA, J.)