

vai

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

NOTICE OF MOTION NO.2205 OF 2015
IN
ARBITRATION PETITION (LODGING) NO.333 OF 2015

M/s.Perfect Enterprises ...Applicant

IN THE MATTER BETWEEN :

M/s.Perfect Enterprises ...Petitioner

V/s.

Chief Workshop Manager, Electrical,
Lower Parel Workshop of Western Railway ...Respondent

Mr.Yogendra Singh i/b Auris Legal for the Applicant / Petitioner.

Ms.Sangita Yadav i/b Mr.Suresh Kumar for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 31ST MARCH, 2016.

P.C. :-

1. Learned counsel appearing for the petitioner states that the respondent has been served and undertakes to file affidavit of service within one week from today. The undertaking is accepted.
2. By this notice of motion, the petitioner seeks restoration of the arbitration petition, which is dismissed in view of the non-compliance of the conditional order passed by the learned Prothonotary & Senior Master on 29th July, 2015. Learned counsel

for the petitioner invited my attention to various averments made in the affidavit in support of the notice of motion and would submit that due to the reasons recorded therein, the petitioner could not remove office objections fully and thus the petition came to be rejected under Rule 986 of the Bombay High Court, Original Side Rules. He submits that the remaining objections shall be removed within two weeks from today. The statement is accepted.

3. For the reasons recorded in the affidavit in support of the notice of motion, the arbitration petition as well as the pending Notice of Motion No.1392 of 2015 are restored to file. The conditional order passed by the learned Prothonotary & Senior Master is set aside on the condition that the petitioner removes all objections within two weeks from today. It is made clear that no further extension would be granted. If the office objections are not removed within two weeks from today, the arbitration petition shall stand dismissed without further reference to this Court.

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

(R.D. DHANUKA, J.)