

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

**NOTICE OF MOTION NO. 35 OF 2016
IN
ARBITRATION PETITION NO. 1196 OF 2015**

RBK International Academy Applicant

IN THE MATTER BETWEEN

Citicorp Finance (India) Ltd. ... Applicant
V/s.

Rudal Sukdeo Mehta and others ... Respondents

Mr. Sandesh Godse i/b Vivek Patil & Associates for the petitioner.
Mr. G. D. Talreja for the Respondent no. 3.

**CORAM : K. K. TATED, J.
DATED : 24/02/2016**

PC.:

Heard learned counsel for the parties. This motion is preferred by respondent no. 3 for recalling Ex-party order dated 16/09/2015 and order dated 14/10/2015 passed by this court in Arbitration Petition No. 1196 of 2015 by which the Court Receiver was appointed in respect of the vehicle described in Exhibit D to the Petition i.e. Vehicle/Machinery bearing Registration/Machine No. MH04FK2454.

2) Learned counsel for the petitioner for petition Citicorp Finance (India) Ltd makes a statement that Arbitrator already passed award on 27/11/2015 and they started execution proceedings against respondent

nos. 1 & 2. He submits that in view of the subsequent development, they do not want to take any action against the applicant i.e. RBK International Academy. Statement is accepted.

3) In view of the statement made by the learned counsel for the petitioner, learned counsel for the applicant seeks liberty to withdraw the present Motion. Same is allowed.

4) Motion stands dismissed as withdrawn.

5) No order as to costs.

(K.K.TATED, J.)