

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

NOTICE OF MOTION NO. 2254 OF 2015

IN

ARBITRATION PETITION (L) NO. 1607 OF 2015

Sunderlal Aklinglal Jain

...Petitioner

Versus

Yogendra Pitamberdas Doshi & Ors.

...Respondents

Mr. Avinash Joshi, i/b Mulla & Mulla & C.B. & C., for the Petitioner.

CORAM : S.C. GUPTE, J.

DATE : 26th February 2016

P.C. :

1 . The Notice of Motion seeks recall and setting aside of an order passed by Prothonotary & Senior Master of this Court on 27th October 2015. This order is a self operative order requiring the Petitioner to remove office objections on or before 24th November 2015, failing which, the Petition would stand rejected under Rule 986 of the Bombay High Court (O.S.) Rules. Since the Petitioner failed to remove office objections, the Petition came to be rejected.

2. The Notice of Motion seeks recall of that order. For the reasons stated in the Affidavit in Support of Notice of Motion, the Notice of Motion is allowed, in terms of prayer clauses (a) and (b).

3. Since the office objections are already removed, the office is directed to register the Petition.

4. The Petition is restored to file.

5. Learned Counsel for the Petitioner upon restoration of the Petition, requests the Court to permit him to withdraw the Petition with liberty to file a fresh Petition, since the Petitioner has made another application under Section 17 for interim reliefs, which is pending before the Arbitral Tribunal.

6. The Petition is dismissed, as withdrawn with liberty as prayed.

[S.C. GUPTE, J.]