

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 43 OF 2016
IN
NOTICE OF MOTION (L) NO. 661 OF 2014
IN
ARBITRATION PETITION NO. 417 OF 2012

Bhagwanji S Khatri & Pramod B Khatri	... Petitioners
<i>Versus</i>	
Kamal alias Kamaloo R, Hule and Dharmendra R Hule	... Respondents
<i>And</i>	
BS Khatri	... Applicant

None for the Applicant/Petitioners.

CORAM: G.S. PATEL, J
DATED: 14th February 2017

PC:-

1. None for the Petitioners. This Petition was already dismissed once before on 27th June 2012. Even before that the Petitioners were absent. The Petitioners were again absent on 26th November 2013 at the time of hearing of their own Notice of Motion for restoration. Despite their absence, the Notice of Motion was made absolute. The Petition was restored. The matter reached again on 19th December 2013. None appeared for the Petitioners. It was

placed for dismissal on 23rd December 2013. Then again none appeared. The Petition was dismissed for default.

2. The present Notice of Motion seeks that a rejection order dated 15th July 2014 in Notice of Motion (L) No. 6661 of 2014 be set aside and that Notice of Motion be restored along with the Petition.

3. The Affidavit in Support does not make any mention of the orders dated 26th November 2013, 9th December 2013, 19th December 2013 and 23rd December 2013 on all of which dates the Petitioners were absent. Apart from the material misstatements in the Affidavit in Support, there is no explanation for this continuous absence.

4. This Notice of Motion is dismissed.

5. It is clarified that the Petition itself has already been previously been dismissed. This Petition will not be restored under any circumstances. Too much indulgence has already been shown to the Petitioners. Enough is enough.

(G. S. PATEL, J.)