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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1096 OF 2017
IN
APPEAL NO. 625 OF 2005
IN
ARBITRATION PETITION NO. 545 OF 2003

Shri Rajendra N. Mehta and ors.

.. Applicants/
Appellants

In the matter between

Shri Rajendra N. Mehta and ors.

.. Appellants

Vs.

Prabhudas Liladhar Pvt. Ltd. and ors.

.. Respondents

Mr. Yashesh Kamdar a/w Ms. Pooja Karadia i/by Nahush Shah Legal for applicants.

CORAM: NARESH H. PATIL &
SMT. BHARATI H. DANGRE, JJ.

JULY 06, 2017.

P.C.

1. On 2/5/2017, the Division Bench (Coram: A.S.Oka & A.K. Menon, JJ), passed following order :-

“1. Called out for final hearing. None appears for the Appellant. When the Appeal was called out for final hearing on 25th April 2017, none appeared for the Appellant.

2. Hence, we dismiss the Appeal for non-prosecution.”

2. Learned counsel appearing for the applicants/appellants moved the present Notice of Motion for recalling the aforesaid order. He submits that due to inadvertence, the counsel could not attend the hearing on 2/5/2017. It is further submitted that the private notice was served on respondent no.1, while in respect of respondent no.2, it is submitted that the premises was locked. Affidavit of service to that effect is filed, which is taken on record.

3. In view of the submissions advance, we recall the order dated 2/5/2017 and restore the Appeal No. 625 of 2005 in Arbitration Petition No. 545 of 2003 to file. The applicants to intimate this order to other side accordingly.

4. Notice of Motion is disposed of accordingly.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)