

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.65 OF 2016**

Tata AIA Lifer Insurance Company LimitedApplicant

Vs.

Rajesh Gurbux Chugh and Ors.Respondents

Mr. Suresh Pandey i/b. Moson Le Exparts for applicant present in morning session.

None present at 3.00 p.m.

CORAM : K.R.SHRIRAM, J.

DATE : 15th NOVEMBER, 2017

PC.:

1 When the matter was called out at 11.00 a.m., counsel who appeared for applicant was unable to assist the Court. The Court directed the counsel to ask the concerned partner of Moson Le Exparts to come to Court at 3.00 p.m. so that the said person could assist the Court in the matter. It would be necessary to quote the order that was passed on 1st November, 2017 which reads as under :

“1. The counsel appearing for applicant is unable to assist the Court. The counsel does not even know which is the agreement that is referred to in the application. The counsel also states respondents have not been served. This application has been lodged on 5th December 2014. Almost three years have passed since lodging this application. It should also be noted that this application was dismissed for non-removal of office objections and was restored. It clearly displays the applicant's disinclination in prosecuting the matter with diligence.

2. Therefore, purely by way of indulgence, last opportunity is given to applicant to serve the application upon respondents on or before 10th November 2017 and to file affidavit of service on or before 14th November 2017 failing which the application will stand dismissed without further reference to the Court. If such affidavit confirming service on all respondents is filed, in that case, the application be listed on 15th November 2017.”

2 When the matter was called out at 3.00 p.m., nobody remained present for applicant. Therefore, application stands dismissed.

(K.R. SHRIRAM, J.)