

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO.2897 OF 2016  
IN  
ARBITRATION PETITION NO. 1648 OF 2015**

**Subhash Vithal Garje & Anr**

**..Applicants**

**Vs.**

**L & T Finance Limited**

**..Respondent**

**None for the Applicants**

**Mrs. Shakuntala Joshi i/b S. I. Joshi & Co. for the Respondent**

**CORAM : R. M. SAVANT, J.**

**DATE : 11<sup>th</sup> APRIL, 2017**

**P.C.**

1            In the order dated 4-4-2017 in the last line the words “Arbitration Petition” are wrongly appearing and therefore to be replaced by the words “Notice of Motion”. The order to stand corrected accordingly.

2            The above Notice of Motion has been filed for restoration of the above Arbitration Petition No.1648 of 2015. The above Notice of Motion was on board on 4-4-2017 when the Learned Counsel appearing on behalf of the Applicants / Petitioners stated that a proposal for settlement would be forwarded to the Respondent within three days from the said date. It was made clear by the said order that if no proposal is made prior to the next date, this Court would then be constrained to pass appropriate orders in the above Notice of Motion. The Arbitration Petition has already been dismissed by a

Learned Single Judge of this Court by order dated 18-10-2016 on account of the default in appearance committed by the Learned Counsel appearing for the Petitioners on the said date. The above Notice of Motion as indicated above has been filed for restoration of the above Arbitration Petition. The Learned Counsel appearing for the Respondent Mrs. Joshi states that the Applicants / Petitioners have not approached the Respondents with any proposal for settlement. The conduct of the Applicants / Petitioners therefore appears to be that they are not interested in settling the matter and probably want to keep the issue alive by keeping the proceedings pending, this cannot be countenanced. The Notice of Motion is accordingly dismissed for non prosecution.

**[R.M.SAVANT, J]**