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

NOTICE OF MOTION NO. 420 OF 2018

IN

REVIEW PETITION (L) NO. 18 OF 2014

IN

ARBITRATION PETITION NO. 1325 OF 2012

M/s. D.M. Builders & Developers ...Applicant

IN THE MATTER BETWEEN

M/s. D.M. Builders & Developers ...Petitioner

V/s.

M/s. Kukreja Construction Company ...Respondent

Mr. A.Y. Sakhare, Senior Advocate a/w. Mr. J.P. Singh for
Petitioner/Applicant.

Mr. Mani Thevar i/b. Mahesh Menon & Co. for Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14TH MARCH, 2018.

P.C. :-

1. The matter is mentioned not on board. By consent of parties taken on board.
2. By this notice of motion, the applicant prays for setting aside the order dated 4th March, 2015 passed by the learned Prothonotary and Senior Master rejecting the review petition for non-compliance of

the conditional order passed by the learned Prothonotary and Senior Master.

3. I have heard Mr. Sakhare, learned senior counsel for the applicant and Mr. Thevar, the learned counsel for the respondent and have perused the averments made in the affidavit in support of notice of motion. The averments made in the affidavit in support are not fully satisfactory. However, in the interest of justice and with a view to give an opportunity to the petitioner to hear the review petition on merits subject to the condonation of delay on payment of costs of Rs. 25000/- to the respondent, which shall be paid by the applicant within one week from today, delay is condoned.

4. Order dated 4th March, 2015 passed by the learned Prothonotary and Senior Master is set aside on the condition that the applicant removes all office objections within one week from today. It is made clear that if the cost of Rs. 25000/- is not paid and the office objections are not removed within the time prescribed, the order passed by this Court to stand vacated without further reference to this Court. Notice of motion is disposed of in the aforesaid terms.

(R.D. DHANUKA, J.)