

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

**CHAMBER ORDER NO.395 OF 2018  
IN  
ARBITRATION PETITION (I) NO.1236 OF 2016**

Ms.Yaminee D. Manjrekar and anr. ... Petitioners/Applicants  
Vs.  
Kotak Mahindra Prime Ltd. ... Respondent

----

Ms.Swati P. Gautam for the Petitioners/Applicants.  
Ms.Ranjita R. Shinde i/by Mr.Jitendra G. Shukla for the  
Respondent.

----

**CORAM : R.D.DHANUKA, J.  
DATE : APRIL 26, 2018.**

**P.C. :**

1. The applicants (original Petitioners) have filed this chamber order praying for setting aside the order dated 6<sup>th</sup> June 2017,, passed by the learned Prothonotary and Senior Master, rejecting the arbitration petition for non-compliance of the office objection under Rule 986 of Bombay High Court (O.S.) Rules.

2. Learned counsel Ms.Swati P. Gautam for the applicants states that the earlier Advocate who had appeared for the applicant did not remove office objection and did not inform the applicants

about the dismissal of the petition by the learned Prothonotary and Senior Master. She submits that in the proceedings filed under Section 9 of Arbitration and Conciliation Act, 1996 by the Respondent herein, court receiver has been already appointed and he has already taken possession.

3. Learned counsel Ms.Ranjita R. Shinde for the Respondent opposed this chamber order on the ground that applicants were fully aware of the proceedings and thus, cannot blame their Advocate for not removing office objections.

4. Perusal of the record indicates that learned Prothonotary and Senior Master had granted time to the applicants to remove office objections. The Petitioners, however, did not remove the office objection within time prescribed. In the interest of justice and on the condition that applicants shall pay costs of Rs.10,000/- to the Respondent within two weeks from today, order passed by the learned Prothonotary and Senior Master on 6th June 2017 can be set aside. It is made clear that if the payment of costs is not made within two weeks from today, this order setting aside the order dated 6<sup>th</sup> June 2017, passed by the Prothonotary and Senior Master to stand vacated.

5. Impugned order dated 6<sup>th</sup> June 2017, passed by the Prothonotary and Senior Master is set aside.
6. Petition (lodging) No.1236 of 2016 is restored to file.
7. Applicants are directed to remove all office objection within four weeks from today failing which the order of the learned Prothonotary and Senior Master would be restored. Chamber order is disposed of in the aforesaid terms.
8. If all the office objections are removed within a period of four weeks from today and payment of costs is made within time prescribed and if petition is numbered, place the petition on board for admission on 4<sup>th</sup> June 2018.

( R.D.DHANUKA, J. )