

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

**NOTICE OF MOTION NO.1400 OF 2016
IN
ARBITRATION PETITION NO.243 OF 2015**

Dayalbhai Devjibhai Patel

And Another

... Applicants/Petitioners

Versus

The Malad Sangata Co-op.

Housing Society Ltd

And Another

... Respondents

.....

Mr. Vijay M. Vaghela for the Applicants/Petitioners.

Mr. Anil D'Souza for Respondent No.2.

Mr. Santosh Boulekar, Treasurer of Respondent No.1 society present in-person.

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CORAM : S.C.GUPTE, J.

DATE : 12 DECEMBER 2018

P. C. :

. This Notice of Motion is taken out by the original Petitioners in the arbitration petition for recalling an order of dismissal passed on 25 April 2016. By that order, the petition was dismissed for want of prosecution, since none appeared for the Petitioners on two consecutive dates. For the reasons stated in the affidavit-in-support of the Notice of Motion, the order of dismissal is recalled and set aside and the petition is restored to file. The Arbitration Petition shall appear on board for admission on 14 January 2019.

2 Reply, if any, to the arbitration petition to be filed and served by the Respondents on the other side, latest by 7 January 2019.

(S.C. GUPTE, J.)