

vai

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

NOTICE OF MOTION NO.2 OF 2018
IN
COMMERCIAL ARBITRATION PETITION NO.69 OF 2016

Vijay V. Angne ...Applicant

IN THE MATTER BETWEEN :

Vijay V. Angne ...Petitioner

V/s.

The Shamrao Vitthal Co-op. Bank Ltd. & Ors. ...Respondents

Mr.M.S. Bhandari i/b Ms.Prnjali Bhandari for the Applicant /
Petitioner.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 4TH APRIL, 2018.

P.C. :-

1. By this notice of motion the applicant seeks condonation of delay of 244 days in filing the notice of motion and for restoration of commercial arbitration petition. The applicant also seeks restoration of the arbitration petition dismissed for default by an order dated 16th February, 2017. Heard learned counsel for the applicant as well as perused the averments made in the notice of motion. No affidavit in reply has been filed by the respondent, through served.

2. For the reasons recorded in the affidavit in support of the notice of motion, I am satisfied that the delay in filing the notice of motion is sufficiently explained. The explanation for remaining absent before the Court when the matter was called out on 16th February, 2017 is also satisfactory. The order dated 16th February, 2017 is recalled. The Commercial Arbitration Petition No.69 of 2016 is restored to file. The notice of motion is accordingly disposed of in aforesaid terms. No order as to costs.

3. Affidavit in reply shall be filed within two weeks from today and a copy thereof shall be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within one week from the date of service of the affidavit in reply and a copy thereof shall be served upon the respondents' advocate simultaneously.

4. Place the commercial arbitration petition on board for admission on 26th April, 2018.

(R.D. DHANUKA, J.)