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

**NOTICE OF MOTION NO. 778 OF 2019
IN
ARBITRATION PETITION NO. 465 OF 2017**

Rasesh Kirtikumar Modi and Shwtatiben Raseshbhai Modi	... Applicants
V/s.	
HDB Financial Services Ltd.	... Respondent

.....
Mr. Amol B. Desai for the Applicants/Petitioners
Mr. Viraj Kandpile for the Respondent.
.....

CORAM : R.D. DHANUKA, J.

DATE : 9th JULY, 2019.

P.C.:

Heard learned Counsel for the parties.

2. I have perused the affidavit in support of notice of motion. The affidavit is filed by the learned Advocate on record, who has stated in the affidavit in support of notice of motion that when the matter was called out before this Court he was on legs before the Division bench and thus could not appear before the learned Single Judge. The petition came to be dismissed for want of prosecution.

3. I am inclined to accept the reasons recorded in the affidavit in support of notice of motion. For the reasons recorded in the affidavit in support of the notice of motion, the order dated 26th February 2019 passed by this Court is re-called.

4. Arbitration Petition No. 465 of 2017 is restored to file alongwith ad-interim passed by this Court. Notice of motion is absolute on aforesaid terms. No order as to costs.

5. Place the arbitration petition on board for admission on 15th July 2019.

(R.D. DHANUKA, J.)