

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

ARBITRATION PETITION NO. 340 OF 2016

Sumangal Industries Ltd. & Ors.	...Petitioners
vs	
M/s.HDB Financial Services Ltd.	...Respondent

None for Petitioners.

Mr.N.B. Sawant I/b. Ashish Aggrawal for Respondent.

Ms.Rachana Pradeep, Law Officer of Respondent.

CORAM : S.C.GUPTE, J.

DATE : 23 JANUARY 2019

P.C. :

This petition was admitted on 20 July 2016. When it reached for final hearing first on 19 September 2018, learned Counsel for the Petitioners sought time on the ground that the Advocate had no instructions from the Petitioners. This court, in its order dated 19 September 2018, observed that the petition had been filed by the Advocate after seeking instructions and at the hearing of the petition, no further instructions were really required. This court made it clear that either the Petitioners' Advocate would go on with the matter on the next date or the matter would be heard in his absence. On that understanding, the petition was stood over to 11 October 2018 as a last opportunity to the Petitioners. When the matter reached on 11 October 2018, the Petitioners' Advocate sought discharge. The court directed him to make an application before the office. A notice was directed to be issued to the Petitioners in person and the Advocate of the Petitioners was also directed to communicate this order to the Petitioners. Thereafter, this matter appeared on 31 October 2018 when the Advocate of the Petitioners made a statement before the court

that he had informed the Petitioners about the next date of hearing. He even filed an acknowledgement of service on the part of the Petitioners. Despite this notice, the Petitioners were absent. Once again, as a last chance to the Petitioners, the petition was stood over to 28 November 2018. The office was directed to issue notice to the Petitioners personally of the next date of hearing, since the Advocate had sought discharge. When the matter reached on 28 November 2018, this court observed that there was no report of service on the Petitioners in terms of the order passed by this court on 31 October 2018. The matter was accordingly stood over to 11 December 2018. On 11 December 2018, the office report of service indicated that the notices were unserved. The Respondent was thereupon permitted to serve the Petitioners by hand delivery or any other mode of service and the matter was adjourned to 9 January 2019. It was made clear that if the Petitioners did not appear on the next date, the petition would be dismissed for want of prosecution. The petition appears today on board when none appears for the Petitioners.

2 Learned Counsel for the Respondent informs the court that an attempt of service was made by his client. Law officer of the Respondent personally went to the address of the Petitioners given in the cause title. The office was found locked and hence, nothing could be done.

3 In the premises, it appears that the Petitioners are not interested in prosecuting the petition. The petition is dismissed for want of prosecution.

(S.C. GUPTE, J.)