

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

**INTERIM APPLICATION NO. 3401 OF 2022
IN
ARBITRATION PETITION NO. 1387 OF 2014**

M/s. Mastan Tin Works,
Through Its Proprietor
Shahnawas Shahbazkar

...Applicant

Versus

The Bombay Mercantile Co-operative
Bank Ltd. & Ors.

....Respondents

- Mr. Harjot Singh Alang i/by Raval Shah & Co. for Applicant / Petitioner.
- Ms. Sayli Wani i/by Ms. Puja Acharekar, for Respondent No. 1

CORAM : MANISH PITALE, J

DATE : 11TH OCTOBER, 2022.

P. C. :

1. This is an application filed on behalf of the original petitioner for restoration of the arbitration petition, which stood dismissed on 12th January, 2021, due to absence of representation on behalf of the petitioner before this Court.

2. It is stated in the application, that the advocate who was representing the petitioner expired in November, 2020, about which the petitioner was not aware. As a consequence when the petition was called out for hearing on 11th January, 2021 and 12th January, 2022, none could remain present before this Court and unfortunately the petition stood dismissed for want of prosecution.

3. It is further stated that it was only in July, 2021, that the petitioner became aware about the fact that the erstwhile Counsel had expired, and it was later learnt that the petition itself stood dismissed on 12th January, 2021.

4. Although, the learned Counsel for the respondent has opposed the prayer made in the present application, considering the peculiar facts and circumstances of the case, and in the interest of justice, this Court is inclined to allow the present application.

5. Accordingly, the application is allowed and the Arbitration Petition No. 1387 of 2014 is restored to file.

6. The Arbitration Petition be listed for hearing in usual course.

(MANISH PITALE, J.)