

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

**INTERIM APPLICATION NO. 3360 OF 2021
IN
COMMERCIAL ARBITRATION APPLICATION NO. 164 OF 2021**

Rasheed Ardhesir ...Applicant

In the matter between

Kapil Bakashi & Anr. ...Orig.Applicants

vs.

Varun Thaakur ...Respondent

Ms.Trisha Ranka i/b. Prerak Choudhary for Applicant.

CORAM : G. S. KULKARNI, J.

DATED : 8 JUNE 2022

P.C. :

Heard learned Counsel for the Applicant. The Respondents are served. An affidavit of service is placed on record.

2. For the reasons as set out in the memo of the application, in my opinion, the order dated 23 November 2021 passed by this Court dismissing the application for want of prosecution needs to be set aside. It is, accordingly, set aside. The application is restored to the file of the Court. Place the application for hearing on 22 June 2022. The interim application is disposed of in the above terms. No costs.

3. In the meantime, Advocate for the Applicant is permitted to serve on the Respondents the Section 11 application by private service by all permissible modes and place on record affidavit of service.

4. In the event, the Respondents are not represented despite service, the Court shall proceed to hear the application and pass appropriate orders.

5. Let a copy of this order be also served along with a fresh notice to be issued by the Advocate for the Applicant.

(G.S. KULKARNI, J.)