

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

**INTERIM APPLICATION NO.332 OF 2019
IN
COMMERCIAL ARBITRATION APPLICATION NO.124 OF 2018**

Chanda Kirit Somaiya

.. Applicant

v/s.

Rajesh Shamji Somaiya

.. Respondent

Ms. Sonali Jain for the applicant.

None for the respondent.

CORAM : A. K. MENON, J.

DATED : 28TH FEBRUARY, 2022.

P.C. :

1. The learned counsel for the petitioner states that the IA has been duly served upon Mr. Paras Vira, Advocate for the respondent on 7th November, 2019. She has relied upon the affidavit of service of one Suryakant Birje dated 19th November, 2019 which annexed copy of the notice enclosing IA and acknowledgment. In addition she submits that as the present Advocate representing the application has filed vakalatnama on 17th February, 2022 and seeks restoration of the arbitration application which came to be

dismissed on 13th September, 2019. Reasons for not appearing on 13th September, 2019 are set out in the IA in paragraphs 4, 5 and 6. She submits that the applicant is not at fault and that current Advocate promptly moved this application after filing vakalatnama on 17th February, 2022.

2. In view of these submissions and the fact that there is no opposition to this, I pass the following order;

- (i) IA is allowed in terms of prayer clause (a).
- (ii) Application is restored to file.
- (iii) List the application for hearing and final disposal on 7th March, 2022.
- (iv) Rejoinder to the affidavit, if any, to be filed on or before 2nd March, 2022.
- (v) IA is disposed in the above terms.

(A. K. MENON, J.)