

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.18475 OF 2023
IN
ARBITRATION PETITION NO.85 OF 2022

Mr. Deepesh Anil Sheth	...Applicant
IN THE MATTER BETWEEN	
Nilesh Shankar Wadekar	Petitioner
<i>Versus</i>	
Mr. Deepesh Anil Sheth & Anr.	...Respondents

Mr Vijay Upadhyay, for the Applicant in IA 18475/2023.
Mr Nitin Deshpande, for the Respondent.

CORAM: Dr. Neela Gokhale, J.
DATED: 11th January 2024

PC:-

1. This application seeks to recall the order dated 3rd October 2023 whereby a sole arbitrator was appointed to enter into reference and adjudicate disputes between the parties arising out of partnership agreement dated 20th October 2011. The order also observed that the Respondents had not filed any reply affidavit till the date of the order.

2. Mr. Vijay Upadhyay, learned counsel for the Applicant/Original Respondent No.1, submitted that reply-affidavit

was filed online in the Registry but inadvertently a copy of the same was not in the file of the proceeding. It was for this reason that the affidavit-in-reply was not found in the file. Only for this reason, the Applicant seeks recall of the said order. It has been verified from the Registry that his reply-affidavit was infact filed through e-filing and is now on record.

3. In these circumstances, in order to correct the record limited to the procedural inaccuracy, the said order is re-called and the application is allowed and stands disposed.

(Dr. Neela Gokhale, J)