

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 5687 OF 2025
IN
COMMERCIAL ARBITRATION APPLICATION (L) NO. 15189 OF 2023

CIS Bureau Facility Services Pvt Ltd .. Applicant

Versus

Larsen and Turbo Limited .. Respondent

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Mr.Yash Momaya with Mr.Munaf Virjee and Ms.Shruti Salian i/b
AMR Law for the applicant.

Mr. Ravi Verma (thru V.C) with Ayush Shrivastava and Ayush
Morande i/b Link Legal for respondent no.1.

CORAM : BHARATI DANGRE, J
DATED : 13th NOVEMBER, 2025

P.C:-

1 The Application seek restoration of Arbitration Application which is dismissed for non-removal of office objections notified and in bringing the application, since there is a delay of 283 days, the same is also sought to be condoned.

2 Heard learned counsel for the applicant and the learned counsel representing the respondents.

On perusal of the application, which has categorically stated that the matter was listed before the Court on 23/10/2024 and time was granted to file rejoinder on the next scheduled date i.e. 5/12/2024. However, the application was

not listed as per the scheduled date and when the status of the matter was checked in the month of September 2025 on the High Court website, it is revealed that the application was already disposed of.

Thereafter, necessary search was taken, to find out that pursuant to the notice issued by Prothonotary and Senior Master, in compliance with the directions issued by the Court, which was seized of the assignment on 26/8/2024, the office objections were directed to be removed within a period of eight weeks, with an indication that in case, there is failure to comply, all the applications, petitions, shall be rejected under Rule 986 of the High Court (Original Side) Rules, 1982.

3 On 19/10/2024, a notice was issued extending the timeline by further period of eight weeks, but the application proceed to state that the applicant as well as their Advocate fail to take note of the notification directing to remove the objections and admittedly, the objection could not be removed. However, once it was revealed that the matter is dismissed in default, the application was filed seeking its restoration by condoning the delay that has occasioned in bringing the application.

4 On perusal of the pleadings, I do not see any reason to disbelieve the same, as it is noticed by me that the applicant was pursuing the proceedings diligently till the time when the matter was directed to be listed on 5/12/2024.

5 Learned counsel for the respondent would vehemently oppose the application by stating that if the matter was not listed on 5/12/2024, why the applicant did not take any step and it is only in September they could realise that conditional order was passed by the Prothonotary and Senior master and since the objections were not removed, the application stand dismissed.

 In my considered opinion, no client shall suffer on account of the lapse on part of the Advocate and if due to inadvertence of the counsel, the objections notified were not removed, but only when the client apprised him that the matter is not listed and when it was checked, it was found to be dismissed in default.

 Since I do not find any malafides in the whole narration in the application seeking condonation of delay, I deem it appropriate to grant the application.

 Interim Application is made absolute in terms of prayer clauses (a) and (b).

 Needless to state that within a period of two weeks, the notified office objections shall be removed.

 List the Arbitration Application on **18/12/2025**.

(BHARATI DANGRE, J.)