

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 106 OF 2014

INDUSIND BANK LTD.

... APPICANT

VERSUS

MUKUNDRAO SHAMRAO PAITHANE

... RESPONDENT

.....
Mr M. D. Narwadkar, Advocate for the applicant
Mr S. P. Landge, Advocate for respondent
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **16TH SEPTEMBER, 2015.**

PER COURT:

. The present respondent has filed the suit for injunction. The present petitioner filed an application for framing preliminary issue as under :

<i>Issues</i>	Findings
1. <i>"Without adopting the measures of arbitration clause No. 23.0, whether plaintiff is entitled to institute the suit at hand?"</i>	Yes..
2. What Order?	As per final order.

2. The trial Court relying upon the provisions of old Arbitration Act, held that the Court has jurisdiction. The said order is assailed in the present revision.

3. Mr. Narwadkar, learned Counsel for the applicant states that, after the suit was filed, the arbitration proceedings were initiated and subsequently the award has been passed by the Arbitrator. Even execution is filed to execute the said award. The present respondent has also filed objection to the said execution of the award.

4. Considering the aforesaid matrix, the filing of the suit itself has become redundant. When the award has already been passed, the parties would be governed by the award unless the same is set aside or objected to, in accordance with law.

5. In light of the above, the present Civil Revision Application is allowed. The impugned order is quashed and set aside.

6. The respondent is at liberty to raise such an objection, as is permissible in law, to the award that is passed.

[S. V. GANGAPURWALA, J.]

sgp