

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ARBITRATION APPEAL NO. 7 OF 2014
AND
CIVIL APPLICATION NO. 9805 OF 2014

Aurangabad Auto Engineering Pvt. Ltd.,
Through its Authorized Signatory .. Appellant/
Applicant

VERSUS

M/s Tank Auto Tooling (P) Ltd. .. Respondent

Mr. L.D. Vakil, Advocate for the appellant/applicant
Mr. B.R. Kedar, Advocate for the respondent

CORAM : M.T. JOSHI, J.
DATE : 04/02/2015

ORAL ORDER :

1. Heard.
2. During hearing, both sides agree that instead of hearing the present appeal on merit, since learned District Judge has disposed of the application on the ground of non-deposit of the necessary amount, which is a disputed matter between the parties, the present appeal be allowed on the condition that the appellant deposits an additional amount of Rs.1,00,000/- in the District Court, within a period of four (4) weeks from the date of this order. Upon deposit of the said

amount, the appeal shall stand allowed and the impugned order shall stand quashed and set aside and the matter shall stand remanded back to the learned trial Court on the issues on merit, including the issue of limitation, which shall remain open for decision on merit by the learned District Judge.

3. With these directions, the arbitration appeal is disposed of without any order as to costs.

4. Consequently, Civil Application no. 9805 of 2014 seeking stay to the impugned award does not survive and the same stands disposed of.

[M.T. JOSHI]
JUDGE

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