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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3617 OF 2015**

Mr. Dilip Shankar Malvadkar

... Petitioner

Vs.

Vishwanath Eknath Tapkir

... Respondent

Mr. R.G. Shinde i/by Mr. Mayur Salunke, for the Petitioner.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 8th JUNE, 2015

PC.

. Time is sought on behalf of the Petitioner on the ground that the Advocate for the Petitioner is unable to attend the Court. Prayer clause (a) of this Petition under Article 226 of the Constitution of India reads thus :-

“(a) Arbitrator may kindly be appointed to decide the disputes between the petitioner and respondent in the view of the arbitration clause in the said Association of person dated 20/4/2011.”

2. According to the case of the Petitioner, there is an arbitration clause in the Deed executed by and between himself and the Respondent. In fact, the cause title of the Petition shows that the

Petitioner wants to invoke power of this Court under Section 11 of the Arbitration and Conciliation Act, 1996. The Petitioner has a statutory remedy for seeking appointment of Arbitrator. Therefore, this Petition under Article 226 of the Constitution of India is completely misconceived and the same cannot be entertained. Writ Petition is accordingly, rejected. However, the statutory remedy of the Petitioner is kept open. All contentions on merits are kept open.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)