

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3844 OF 2010

M/s. Pinak Bharat & Co. & Anr. .. Petitioners
VS.
Anil R. Naik .. Respondent

Mr. R. S. Tripathi for Petitioners.
Mr. V. S. Kapse for Respondent.

CORAM : M. S. SONAK, J.
DATE: 30 MARCH 2015

P.C. :-

1] The learned counsel for the petitioners submits that after the institution of the suit, by an order made in terms of Section 11 of the Arbitration and Conciliation Act, 1996, an Arbitrator came to be appointed for adjudication of all the issues which arise in the suit.

2] The learned counsel for the respondent confirms the position that the Arbitrator has indeed been appointed in the matter and proceedings are on before the learned Arbitrator.

3] The learned counsel for the petitioners submits that in view of the aforesaid development, the suit itself has been rendered infructuous. In view of the suit being rendered infructuous, the order impugned therein also does not survive and consequently the challenge to the same in the present petition is also rendered infructuous.

4] Accordingly, the present petition is disposed of as having become infructuous. There shall be no order as to costs.