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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.1031 OF 2015

|                           |                |
|---------------------------|----------------|
| Shaheen A. Rawoot & Ors.  | ...Petitioners |
| V/s.                      |                |
| Zahoor Abdul Rahman Sayed | ...Respondent  |

Mr.Vaibhav Sugdhare with Mr.Agasti Vibhute and Mr.Devashish Jahangirdar i/b Jayakar & Partners for the Petitioners.

Mr.Vishal Kanade with Ms.Jai Kanade i/b Mr.B.G. Ligade for the Respondent.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 21ST AUGUST, 2015.**

**P.C. :-**

1. By this petition filed under section 37 of the Arbitration & Conciliation Act, 1996 (for short "Arbitration Act"), the petitioner has impugned the order dated 1<sup>st</sup> October, 2014 passed by the learned arbitrator, rejecting the application filed by the petitioner under section 17 of the Arbitration Act, *inter-alia* praying for sale of the stock lying at Bhiwandi godown.

2. The learned arbitrator has rendered a *prima-facie* finding that the title in respect of Bhiwandi godown as well as the stock lying therein is in dispute. The learned arbitrator also recorded the statement of both the parties that the stock lying in the said godown

are not perishable.

3. Learned counsel for the parties have stated that the pleadings are complete.

4. The parties are directed to complete the procedure of document and denial of documents within two weeks from today. Both parties are directed to co-operate with each other and also with the learned arbitrator in expeditious disposal of the arbitral proceedings. No party shall ask for unnecessary adjournment before the learned arbitrator. If any adjournment is applied on any unnecessary ground, the costs of the adjournment will have to be borne by the said party before the learned arbitrator.

5. In my view, the observations made by the learned arbitrator in the impugned order are *prima-facie* in nature and does not warrant any interference.

6. The learned arbitrator shall decide the matter expeditiously and shall make an endeavour that the arbitral proceedings be decided within six months from the date of the first meeting. The learned arbitrator shall decide the matter in accordance with law and without being influenced by the prima-facie observations made by the learned arbitrator in the impugned order dated 1<sup>st</sup> October, 2014.

7. For the aforesaid reasons, I am not inclined to interfere with the order dated 1<sup>st</sup> October, 2014 passed by the learned

arbitrator.

8. The arbitration petition is accordingly disposed of in the aforesaid terms. No order as to costs.

**(R.D. DHANUKA, J.)**