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

WRIT PETITION (Lodging) No. 770 of 2015

Mithaiwala Burjor Jehangirji & 2 Ors ..Petitioners.

Versus

The Saraswat Co-op Bank Ltd & Anr ..Respondents.
Ms Anvee Mehta i/by M/s Yusuf & Associate for the petitioners.

Mr Bhupesh V. Samant for Respondent No.2.

CORAM : **V.M.KANADE & A.R. JOSHI, JJ.**

DATED : **7th April, 2015.**

P.C.

Learned Counsel appearing on behalf of respondent No.2 submits that the writ petition under Article 226 of the Constitution of India is not maintainable against interim order passed by the Arbitral Tribunal. He placed reliance on a judgment of the Apex Court in the case of **Lalitkumar V. Sanghavi (dead) through L.Rs. Neeta Lalit Kumar Vs. Dharamdas V. Sanghavi** (2014) 7 Supreme Court Cases 255. In the present case, the petitioner is aggrieved by a common order passed by the Arbitrator who has been appointed under Section 84 of the Multi State Co-operative Societies Act, 2002. By the said order the Arbitrator has dismissed the applications taken out by the petitioner. In our view, the ratio in the judgment of the Supreme Court relied upon by the respondent No.2 is fully applicable to the facts of the present case. Hence, the writ petition is not maintainable. Reserving the right of the petitioner to challenge the said order in the appeal filed under Section 34 or before the Competent Authority, the petition is disposed of. All contentions of the petitioner and the respondent are kept open.

(A.R. JOSHI, J)

(V.M.KANADE,J)