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

ARBITRATION PETITION NO.948 OF 2015

Dr.Pooja N. Singh

...Petitioner /

...Appellant

V/s.

Ramprakash Yadav & Ors.

...Respondents

Ori.Claimants

Mr.Kumar Gaurav – party in person – Petitioner/Appellant.

Mr.Manoj Khatri for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 16TH JULY, 2015.

P.C. :-

1. By this petition filed under section 37 of the Arbitration & Conciliation Act, 1996 (for short “the Arbitration Act”), the appellant has impugned an order dated 23rd December, 2014 passed by the learned arbitrator under section 17 of the Arbitration Act. By the said order, the learned arbitrator has granted an order of injunction restraining the vessel GREENWICH progress. The learned arbitrator has also directed the parties to ensure that the TDS, PF, Service Tax, etc. that have been deducted are paid to the authorities at the earliest. Both the parties are directed to pay and continue to pay the crew wages as and when they fall due. The parties are also directed

to provide food, provisions and fresh water to the said vessel from time to time.

2. Mr.Kumar who claims to be the authorized representative of the petitioner, states that the vessel is lying idle without operation and the same would not be in the interest of any party and the same be allowed to be operated.

3. Learned counsel appearing for the respondents on the other hand submits that there is already an order of arrest passed by the Admiralty Court in respect of the said vessel and the same cannot be allowed to be operated or sold at this stage. He submits that the arbitral proceedings are going on before the learned arbitrator. The interim order passed by the learned arbitrator is in force since December, 2014 and is in the interest of both the parties.

4. The respondents (original claimants) are directed to file the statement of claim along with the documents within three weeks from today before the learned arbitrator and serve a copy thereof upon the original respondents simultaneously.

5. The respondents in the arbitral proceedings shall file the statement of defence along with counter claim, if any, along with the documents within two weeks from the date of service of the statement of claim with documents.

6. The learned arbitrator is requested to dispose of the

arbitral proceedings within four months from the date of the parties filing the pleadings along with the documents. Both the parties are directed to co-operate with the learned arbitrator and with each other in disposal of the arbitral proceedings expeditiously.

7. In my view, the order passed by the learned arbitrator is in force since December, 2014 and is fair and reasonable and is in the interest of both the parties.

8. In my view, no interference is warranted with the impugned order passed by the learned arbitrator. The appeal is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)