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

ARBITRATION PETITION NO.976 OF 2014

Sohan Singh Jagat Singh Dhami	...Petitioner
V/s.	
Mohan Singh Jagat Singh Dhami	...Respondent

Mr.P.S. Dani, Senior Counsel i/b Mr.Chetan Agrawal for the
Petitioner.

Ms.Bhavna Anklesaria for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 6TH AUGUST, 2015.

P.C. :-

1. By this petition filed under section 37 of the Arbitration & Conciliation Act (for short "Arbitration Act") the petitioner has impugned the order passed by the arbitral tribunal, rejecting the application filed by the petitioner under section 17 of the Arbitration Act as far back as on 16th July, 2013.
2. The petitioner was a partner of the respondent. The respondent had filed the statement of claim before the learned arbitrator, which was opposed by the petitioner by filing written statement. The petitioner also made a counter claim.
3. A perusal of the record *prima-facie* indicates that the

petitioner has already filed separate suit in respect of the properties which were the subject matter of the application filed under section 17 of the Arbitration Act, in which the Civil Court has already refused to grant ad-interim relief in the year 2010.

4. The learned arbitrator in the impugned award has made certain *prima-facie* observations about the title in respect of those properties. Though the impugned order was passed in the year 2013, no steps were taken by the petitioner to proceed with the arbitration petition. I have been informed that the petition was dismissed for default and it was restored only after completion of one year.

5. It is not in dispute that since 2010, there is no injunction granted in favour of the petitioner in respect of those properties.

6. Learned counsel appearing for the respondent states that the arbitral proceedings are at the advanced stage. In my view, the observations made by the learned arbitrator are *prima-facie*. The learned arbitrator shall decide the matter without being influenced by the observations made by the learned arbitrator in the impugned order.

7. No case is made out for interference with the impugned order passed by the learned arbitrator. Both parties are directed to co-operate with each other and with the learned arbitrator in disposal of the arbitration proceedings expeditiously. The learned arbitrator is

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requested to disposed of the proceedings expeditiously. The petition is devoid of any merit and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)