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

ARBITRATION PETITION NO.1453 OF 2015

Manhar P. Khadawala	...Petitioner
V/s.	
Rajesh M. Khadawala & Ors.	...Respondents

Ms.K.V. Nichani i/b Mr.Gaurav G. Dave for the Petitioner.
Mr.Y.V. Divekar with Ms.Ashwini Pawar i/b M/s.Divekar & Co. for the
Respondent No.8.

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

P.C. :-

1. By this petition filed under section 14 of the Arbitration & Conciliation Act, 1996 (for short "Arbitration Act") the petitioner seeks termination of mandate of the learned arbitrator. Learned counsel for the petitioner states that the petitioner has instructions from her client to withdraw this petition however with a request that the interim application filed by the petitioner and the claims and counter claims filed by the parties be decided expeditiously by the learned arbitrator. She submits that the petitioner is ready and willing to co-operate with the respondents and with the learned arbitrator in expeditious disposal of the arbitral proceedings. Learned counsel also has made a request that the witness examined by the original claimant whose evidence is closed in absence of the petitioner by the learned

arbitrator be recalled and an opportunity to cross-examine the said witness be granted to the petitioner.

2. In my view, the petitioner can be allowed to withdraw this petition and in the interest of justice of all the parties concerned, the following directions can be issued by this Court :

- a). The arbitration petition is allowed to be withdrawn.
- b). The learned arbitrator shall make an endeavor to dispose of the interim applications filed by the parties within three months from today and in any event before disposal of the arbitral proceedings.
- c). The learned arbitrator shall also make an endeavor to dispose of the entire arbitral proceedings within one year from today.
- d). The witness examined by the claimant, whose evidence is treated as closed shall be re-called for the purpose of cross-examination of the said witness by the petitioner before commencement of evidence of any other witness.

3. It is made clear that this Court has not expressed any opinion on the issues raised in this petition. If the award is adverse against the petitioner, all the issues raised in this petition can be raised along with the petition which may be filed under section 34 of the Arbitration Act and the same are kept open. No order as to costs.

(R.D. DHANUKA, J.)