

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1619 OF 2014

Sudhakar Sharma

..... Petitioner

VERSUS

Shashi T.Nair & Ors.

..... Respondents

Mr.Viral Shukla i/b. Mr.Subir Kumar for the Petitioner.

Mr.Sharan Jagtiani, with Mr.Waseem Pangarkar, i/b.MZM Legal for the Respondent nos. 1 and 2.

CORAM : R.D. DHANUKA, J.

DATED : 17th FEBRUARY, 2015

P.C.

By this petition filed under section 34 of the Arbitration and Conciliation Act, 1996 the petitioner seeks to impugn the interim award dated 12th February, 2013 passed by the learned arbitrator to the extent of paragraph (1) of the Minutes of Consent Terms dated 12th February, 2013.

2. It is submitted by the learned counsel for the petitioner that the petitioner had not agreed to the entire terms as recorded in the minutes of the consent terms however the learned arbitrator has passed an order in terms of the consent terms. It is submitted that since the parties have already led oral evidence on all the issues framed by the learned arbitrator, the learned arbitrator be directed to adjudicate upon all the issues as framed and be directed to render an award on all such issues.

3. A perusal of the minutes of the consent terms signed by the parties dated 12th February, 2013 annexed at Ex.B to the petition clearly indicates that the consent

terms were signed by the claimants, respondent nos. 1 and 2 and their respective advocates.

4. The petitioner had filed an application under section 33(1) of the Arbitration and Conciliation Act, 1996 before the learned arbitrator for seeking clarification of the order passed by the learned arbitrator on minutes of the consent terms. By a separate order dated 29th July, 2013, the learned arbitrator has rejected the said application primarily on the ground that the said application was not maintainable under section 33(1) of the Arbitration and Conciliation Act, 1996. The learned arbitrator in the said order observed that when the consent terms were recorded, both the parties were present and were assisted and guided by their counsel and after having fully understood, the consent terms came to be recorded in presence of the parties and having agreed to all the consent terms, the parties and their advocates signed it.

5. It is thus clear that the parties had signed the said consent terms after fully understanding the contents thereof and were assisted by the respective advocates. In my view, the consent award cannot be challenged under section 34 of the Arbitration and Conciliation Act, 1996. Petition is devoid of merits and is accordingly dismissed with costs quantified at Rs.25,000/- which shall be paid by the petitioner to the respondents within one week from today.

[R.D. DHANUKA, J.]