

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 248 OF 2015

Ramchandra Dhondiba Arvat

..... Petitioner

VERSUS

M/s.Shriram Transport Finance Co. Ltd. & Anr.

..... Respondents

Mr.Shivshankar D.Patil for the Petitioner.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 6th JULY, 2015

P.C.

Learned counsel appearing for the petitioner states that the respondents are served. None appeared for the respondents though served.

2. It is submitted by the learned counsel that though the respondent no.1 had filed reply before the learned arbitrator which is referred in paragraph 6 of the impugned award, the learned arbitrator has not considered the same in the impugned award. It is also submitted that the learned arbitrator has considered the affidavit in evidence of the original claimant which was not served upon the petitioner in the impugned award.

3. A perusal of the award indicates that the learned arbitrator has though referred to the say filed by the petitioner no.1 in the impugned award has not considered the said defence at all. A perusal of the paragraph 8 of the impugned award also indicates that the learned arbitrator has considered the affidavit of evidence filed by the original claimant in the impugned award which is not served

upon the petitioner. In my view the impugned award is in violation of principles of natural justice and thus deserves to be set aside.

4. I, therefore, pass the following order :-

- (a) Arbitral award dated 26th August, 2014 rendered by the learned arbitrator annexed at Ex. A to the petition is set aside.
- (b) Petition is made absolute in the aforesaid terms.
- (c) No order as to costs.

[R.D. DHANUKA, J.]