

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1545 OF 2014

Kishan Mithalal Gurjar & Anr. Petitioners

VERSUS

Abhyudaya Cooperative Bank Ltd. & Anr. Respondents

Mr.Uday Shankar Samudrala for the Petitioners.

Mr.Sanjiv Punalekar, i/b. PRS Legal for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 12th JANUARY, 2015

P.C.

By consent of learned counsel appearing for the parties, impugned award dated 23rd July, 2014 rendered by the learned arbitrator is set aside. By consent, the matter is remanded back to the learned arbitrator for decision afresh after giving an opportunity to both the parties to file pleadings. Learned counsel appearing for the petitioners states that affidavit in reply to the statement of claim would be filed within two weeks from today and copy thereof will be served upon the respondents' advocate simultaneously. Statement is accepted. Both parties have agreed to co-operate with each other and with the learned arbitrator and will not seek any unnecessary adjournment. Learned arbitrator is directed to give an opportunity to both parties to lead oral evidence if they so desire.

2. It is made clear that the learned arbitrator shall decide the matter afresh and shall not be influenced by the observations and findings rendered in the impugned award.

3. The learned counsel for the respondents states that a copy of the statement of claim alongwith all annextures would be served upon the petitioners' advocate within three days from today. Affidavit in reply shall be filed within two weeks from the date of service of statement of claim. Both parties are directed to appear before the learned arbitrator on 12th February, 2015 at 11.00 a.m. Rest of the directions to be issued by the learned arbitrator. Petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]