

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.636 of 2015

(M/s. Aarti Infra-Projects Pvt. Ltd., Nagpur, through its Director, and others
v. M/s. S.P. Fabritech, through its Proprietor Shri Sudhir Nayak, Nagpur)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Y.J. Maheshwari, Advocate for Petitioners.

Shri Mahesh Mourya, Advocate for Respondent.

Coram : R.K. Deshpande, J.

Dated : 17th March, 2015

An application under Section 8 of the Arbitration and Conciliation Act, 1996 was moved before the Trial Court in Special Civil Suit No.53 of 2011 (*formerly registered as Summary Suit No.53 of 2011*), and it has been rejected by the learned 5th Joint Civil Judge, Senior Division, Nagpur, by his order dated 5-11-2014, holding that neither the original copy nor the certified copy of the arbitration agreement is placed on record, and the assignee cannot seek enforcement of the arbitration clause.

Arbitration Clause No.13 contained in the agreement dated 28-2-2006 regarding arbitration, reads as under :

“13] Litigation/Arbitration:- The final decision of Managing Director of Aarti Engineering Company will be acceptable to both the party. Any disputes will be to the jurisdiction of Nagpur.”

The arbitration clause, reproduced above, does not give finality to the decision of the Director of Aarti Engineering Company. On the basis of the said clause, it cannot be said that the jurisdiction of the Civil Court is ousted.

In view of this, no interference is called for in the order impugned in this petition. The petition is dismissed.

Judge.

Lanjewar