

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

FIRST APPEAL NO.597 OF 1994

(Council of Scientific and Industries Research, through its Secretary and another ..vs.. Jitendra Thaper
and another)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 03-03-2015

Heard Shri R.B. Pendharkar, the learned Senior Advocate assisted by Shri Gaurav Belsare, Advocate for the appellants.

None appears for the respondents.

The appeal is filed by the original defendants challenging the order passed by the trial Court rejecting the application under Section 33 of the Arbitration Act, 1940, challenging the validity of the Award.

There was an agreement for construction of store block between Shri Krishnalal Thaper and the appellants. A dispute arose relating to the construction work of process laboratory and as per the terms of agreement it was referred to the arbitrator. The learned Arbitrator made the Award dated 30-10-1987.

Shri Krishnalal Thaper had filed the proceedings

under Section 14 read with Section 17 of the Arbitration Act, 1940 before the civil Court in which judgment and decree was passed in favour of Shri Krishnalal Thaper. The appellants filed First Appeal No.392/1994 challenging the judgment and decree passed by the trial Court. The First Appeal No.392/1994 is allowed by this Court by the judgment delivered today and the First Appeal No.392/1994 filed by the appellants is allowed.

In view of the judgment given by this Court in First Appeal No.392/1994, nothing is required to be adjudicated in this appeal as the Special Civil Suit No.375/1988 filed by Shri Krishnalal Thaper has been dismissed.

This appeal is accordingly disposed having been rendered infructuous. No costs.

JUDGE