

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

MISC. CIVIL APPLICATION (ARB.) NO.1064 OF 2012

(MAHALAXMI INVESTMENT & TRADING PVT.LTD...VS..MR. J.M.BARASOAIN & ORS.)

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

Court's or Judge's orders

Mr. R.L.Khapre, Advocate for Applicant.
Mr. C.S.Kaptan, Sr. Advocate a/b. Mr. Amit Kukday, Adv. For R- 1 & 2.
Mr. S.V. Purohit, Advocate for Respondent No.3.

CORAM : Z.A.HAQ, J.

DATED : APRIL 18, 2015.

In Writ Petition No. 5104 of 2013 it is recorded on 18.02.2014 that Writ Petition No. 5104 of 2013 be listed along with Writ Petition No. 3725 of 2013 and Misc. Civil Application No. 1064 of 2012. Therefore, these three matters are listed together. In Writ Petition No.3725 of 2013, Shri R.K. Deshpande, J has directed on 25th October, 2013 that the matter should not be placed before him. Similarly, in Writ Petition No. 5104 of 2013, Shri R.K. Deshpande, J has directed on 24th September, 2013 that the Writ Petition should not be placed before him. In these circumstances, all these three matters are placed before this Court.

2. This application is filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 praying that the dispute between the parties be referred to an Arbitrator as per Clause 18 of the agreement dated 15.04.2009 between the parties.

3. Today the petitioner and respondent No.2 contesting parties have filed pursis in Writ Petition No. 3725 of 2013 agreeing for referring the dispute raised by the present petitioner (Mahalaxmi Investment & Trading Pvt.Ltd.) in application filed under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006.

4. The petitioner and respondent No.2 have also filed pursis in these proceedings agreeing that Shri Rajan Deshpande, Advocate, resident of "Swanand", Near State Bank of India, S.B.I. Colony No.1, Jatharpeth, Akola be appointed as Sole Arbitrator for deciding the dispute raised in the present Miscellaneous Civil Application. Accordingly, by consent of the applicant and the respondent No.2- contesting parties, Mr. Rajan Deshpande, Advocate is appointed as Arbitrator to decide the dispute raised in the present Misc. Civil Application and the applicant shall file statement of claim on the date of appearance.

The petitioner and the respondent No.2 undertake to appear before Shri Rajan Deshpande, Advocate (Sole Arbitrator) at Akola on 13th June, 2015 at 12.30 p.m.

The petitioner shall deposit the process fees as per Rules.

The Miscellaneous Civil Application is disposed of in the above terms.

JUDGE