

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

MISCELLANEOUS CIVIL APPLICATION NO.105/2013

Shobha w/o Purushottam Chandak

..Versus..

The Central Road & Transportation Ministry, through its Secretary 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.

DATE : 28.9.2015

Heard Shri M.D. Lakhey advocate h/f Shri Shantanu Khedkar advocate for the applicant and Shri A.A. Kathane, advocate for the respondent no.2. None appears for the respondent no.1 though served.

The applicant has filed this application under Section 11 of the Arbitration and Conciliation Act, 1996 praying for appointment of an Arbitrator to resolve the dispute. Pursuant to the notice issued by this Court, the non-applicant no.2 has filed an affidavit sworn on 19th September, 2015 stating that the Central Government has appointed the Additional Commissioner, Nagpur to be the Arbitrator as required by the provisions of Section 3-G(5) of the National Highways Act, 1956. The non-applicant no.2 has placed on the record the copy of the order dated 8th December, 2008 to support the contention. Shri M.D. Lakhey, advocate for the applicant states that the grievance of the applicant does not survive in view of the submission made on behalf of

the non-applicant no.2. The learned advocate further submits that the applicant would be filing his statement of claim before the Arbitrator within four weeks. In view of the above, the application is disposed of as infructuous. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.