

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4514 OF 2015

M/S LAXMI COTSPIN LIMITED, JALNA
VERSUS
M/S C A GALIAKOTWALA COMPANY PVT LTD, MUMBAI AND OTHERS

...
Advocate for Petitioner : Mr. Bajaj Anil S.
Advocate for Respondent No.1 : Mr. Amit Yadkikar
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CORAM : V. K. JADHAV, J.
DATED : 1st FEBRUARY, 2016

PER COURT:-

1. By consent of learned counsel for respective parties, heard finally.
2. Learned counsel for the parties agree that let the application Exh.21 and also the main application under Section 34 of Arbitration Act be decided by the Principal District and Sessions Judge, Jalna. From the order passed below Exh.21, it appears that the application is allowed and the preliminary point of jurisdiction is framed by observing that no say is filed by other side. The learned District Judge-2 has passed said order on 25.3.2015. It also appears from further orders passed on application Exh.21 that learned District Judge-2, has accepted the say filed by other side in view of application filed at Exh.23. In the light of that, order dated 25.3.2015 is liable to be quashed and set aside and accordingly it is quashed and set aside.

3. In view of the submissions made on behalf of the parties and in view of accepted legal position under section 34 of Arbitration Act, the application Exh.21 filed subsequently in the said proceedings is required to be dealt with by the Principal District and Sessions Judge, Jalna.

4. In the light of above observations, writ petition is disposed of. Since the matter is pending since 2012, the learned Principal District and Sessions Judge, Jalna is requested to dispose of the proceeding within six months from today. The writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

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