

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10572 OF 2016

Manisha Rambhau Dandwate
@ Padmini Pratap Patil
Age: 40 years, Occu.: Business,
R/o c/o Pratap Patil, Plot No. 203,
Behind Raodeo Hospital, N-1, CIDCO,
Aurangabad.

..PETITIONER

VERSUS

Nishingdha Sudhakar Mahajan
@ Archana Ashok Patil
Age: 46 years, Occu.: Business,
R/o Nishigandh, 18/4, Sector C-5,
Aurangabad.

..RESPONDENT

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Mr. S.V. Natu, Advocate for petitioner.
Mr. A.A. Yadkikar, Advocate for respondent.

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**CORAM : T.V. NALAWADE, J.
DATED : 16th DECEMBER, 2016**

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard both sides by consent for final disposal.

2. The present proceeding is filed to challenge the ruling given by the Arbitrator in claim made by respondent against the petitioner. The claimant is under cross-examination and during the cross-examination,

question was put to her with regard to another concern like Super Packwel. The present petitioner wants to show that Super Packwell is proxy firm of Suvarna Packaging. The witness answered as :-

“i cannot answer of this question as respondent has no concern with Super Packwell.”

3. After the aforesaid answer given by claimant, learned Counsel for present petitioner requested the Arbitrator to decide the relevance of the matter. It can be said that it was mistake on the part of the learned Counsel for petitioner to take such ruling at that stage. Due to this insistence of learned Counsel for petitioner, the Arbitrator gave ruling that questions put with regard to Super Packwell have no relevance with matter which is under consideration before the Arbitrator which is in respect of Suvarna Packaging.

4. It is the defence of the present petitioner that Super Packwell is the proxy firm of Suvarna Packaging and due to the aforesaid ruling given by the Arbitrator Tribunal, his one of the defence is already decided. The Arbitrator ought not to have given such ruling when evidence is not given. There will be evidence of present petitioner in the matter and only after taking evidence of both sides, this point can be decided including the relevancy of the aforesaid question put to the

claimant during the cross-examination. Thus the ruling needs to be removed from the record so that the point can still kept open. Only for doing that this Court holds that petition needs to be allowed.

5. The submissions made show that recording of evidence of another witness is started. The learned Counsel for original claimant / respondent submits that claimant is under cross-examination for ten months and cross-examination runs into 70 pages. He requests the Court to see that harassment of claimant is put to an end in some way. He requested for giving direction to expedite the matter. Other side has not objection to it. Both sides agree to cooperate the Arbitral Tribunal.

6. In view of the submissions made by both sides, this Court holds that Arbitrator needs to decide the matter within six months from the date of receipt of this order. In the result, petition is allowed. Aforesaid ruling given by the Arbitral Tribunal is hereby set aside. The petitioner is allowed to further cross-examine the witness. Learned Counsel for petitioner submitted that he will see that cross-examination is completed as soon as possible. Rule made absolute in those terms.

(T.V. NALAWADE, J.)

SSD