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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.12 OF 2016
IN
ARBITRATION APPLICATION No.2 of 2014

Milind J. Mane	...Appellant
V/s.	
Sunil R. Palav & Anr.	...Respondents

Mr.K.R. Parekh for the Appellant.

Mr.Sanjay Gawade for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 27TH JUNE, 2016.

P.C. :-

1. By consent of the parties, the impugned order passed by the learned District Judge-1, Sindhudurg on 3rd December, 2015 in Arbitration Application No.02 of 2014 is set aside.
2. Pursuant to the order passed by this Court on 28th April, 2016, the learned counsel appearing for the parties have tendered disclosure filed by Shir Justice S.K. Shah, former Judge of this Court under section 11(8) read with section 12(1) of the Arbitration & Conciliation Act, 1996 (for short "the Arbitration Act"). I have perused the disclosure filed by the learned arbitrator. The statement of disclosure is taken on record and is accepted.

3. By consent of parties, Shri Justice S.K. Shah, former Judge of this Court is appointed as a sole arbitrator. There is no dispute between the parties about the existence of arbitration agreement. The parties have agreed that they can apply for interim measures before the learned arbitrator under section 17 of the Arbitration Act.

4. It is made clear that if any application for interim measures is filed by any of the parties before the learned arbitrator, the learned arbitrator shall decide the said application without being influenced by the order dated 3rd December, 2015 passed by the learned District Judge-1, Sindhudurg, which order is impugned in the present arbitration appeal and shall decide the same on its own merits.

5. The arbitration appeal is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)