

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 163 OF 2016

MR. CHANDRAKANT P SANGHVI

AND ORS

...Applicants

Versus

MR. ANILKUMAR PHOOLCHAND SANGHVI

AND ORS

...Respondents

WITH

CIVIL APPLICATION NO.191 OF 2016

IN

CIVIL REVISION APPLICATION NO.163 OF 2016

....

Mr. S.U. Kamdar, Senior Advocate a/w. Dhuram Juman, Manik Joshi, Aditi Shukla & Pragya Khaitan i/b. Crawford Bayley & Co., for the Applicants.

Mr. Shiraj Rustomjee, Senior Advocate i/b. Dastur Kalambi & Associates, for the Respondents.

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CORAM : R. G. KETKAR, J.

DATE : 22nd MARCH, 2016

P.C.

1. Heard Mr. S.U. Kamdar, learned Senior Counsel for the applicants and Mr. Shiraj Rustomjee, learned Senior Counsel for respondent Nos.1 to 3, at length.

2. By this application under Section 115 of Code of Civil Procedure, 1908 (for short, 'CPC'), the applicants have challenged the judgment and order dated 8.2.2016 passed by learned Principal District Judge, Pune in Civil Misc. Application No.605/2015. By that order, learned Principal District Judge rejected the application filed by the applicants under Section 14(2) of the Arbitration and Conciliation Act, 1996 (for short, 'Act') for declaring that the mandate of Mr. Justice N.K. Sodhi (Retd.), who was appointed vide the order dated 20.6.2013 to act as the sole Arbitrator for adjudication of disputes and differences between the applicants and the respondents, stands terminated on two grounds, namely, (1) undue delay and charging fees, and (2) shoulder injury sustained by the learned Arbitrator.

3. After arguing the application for quite some time, Mr. Kamdar seeks permission to withdraw this application with liberty to file fresh application under section 14 of the Act only on the ground of bias of the learned Arbitrator.

4. Mr. Rustomjee submits that if liberty is granted to the applicants to file fresh application under Section 14 of the Act,

then it may be clarified that the liberty is granted to file fresh application if permissible in law and all contentions of respondent Nos.1 to 3, including the objection as regards maintainability of such an application, may be kept open.

5. In view thereof, on the motion made by Mr. Kamdar, Civil Revision Application is allowed to be withdrawn with liberty as prayed for. Civil Application No.191/2016 also stands disposed of. It is made clear that the applicants are at liberty to file application under Section 14 of the Act only on the ground of bias, if permissible in law. All contentions of the respondents, including the ground of maintainability, are kept open. It is further made clear that I have not expressed any opinion on the merits of the proposed proceedings.

(R. G. KETKAR, J.)