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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION******APPEAL (L) No. 252 OF 2015******IN******ARBITRATION PETITION No. 1197 OF 2014******Sanjay Sitaram Khemka******...Appellant******Vs.******HDFC Bank Limited******...Respondent**************

Mansha Khemka i/b. Khemka and Associates for Appellant
Mr. Vivek Patil a/w. Mr. Sandesh Godse i/b. Vivek Patil and Anr. For
Respondent

***CORAM : V. M. KANADE &
Mrs. SWAPNA S. JOSHI, JJ***

DATE : SEPTEMBER 28, 2016

P.C. :

1. The appeal is filed against an order passed by the Learned Single Judge in an application filed under section 9 of the Arbitration and Conciliation Act, 1996. When the Appeal was filed, a statement was made by the Appellant that he shall not create any third party right in respect of the mortgaged property.
2. The learned counsel appearing on behalf of the Respondent submits that if the said statement is continued, the appeal may be disposed of.

3. In our view, instead of keeping the appeal pending, it will be advisable to continue the statement and direct the Arbitral Tribunal to proceed with the hearing of the arbitration proceedings.

4. In the result, statement made by the Appellant on 18th March, 2015 to continue during the pendency of the arbitration proceedings. With this direction, the appeal is disposed of . To that extent, the order passed by the Learned Single Judge is set aside.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.