IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 930 OF 2016

Kanti Mauljibhai Mange and Laxmi Kantilal Bhanushali ...Petitioner

Versus

Ashish Ramesh Patel & 2 Ors. ….Respondents

WITH

CONTEMPT PETITION NO. 36 OF 2015

Ashish Ramesh Patel & 2 Ors. ….Petitioners

Versus

Kanti Mauljibhai Mange and Laxmi Kantilal Bhanushali ...Respondent

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Mr. Vikas B. Pandey for Petitioner.

Mr. Vijay M. Vaghela for Respondents Nos. 1 to 3.

CORAM : K.R. SHRIRAM, J.
DATE : 18th OCTOBER, 2016.

P.C.:

1. The counsel for the Petitioner states that in the arbitration proceedings the examination-in-chief of the Respondent's first witness is in progress. The Counsel further states that the arbitration proceedings are likely to be concluded in about 3-4 months time. The counsel states that he can withdraw this petition, but his apprehension is that the Respondent will go ahead for execution of prayer clause 'D' granted by the Arbitrator in the impugned award.

2. Shri Vaghela, Counsel for the Respondent states that since arbitration proceedings have progressed and are likely to be concluded in 3-4 months, the Respondent will not execute prayer clause 'D' granted in the impugned award until arbitration proceedings are concluded. Shri Vaghela also states that, in any event, interim award will get merged in the final award in the arbitration proceedings, therefore nothing survives in this petition.

3. In view of the statement made by Shri Vaghela, the counsel for the Petitioner seeks leave to withdraw the petition.

4. The Petition accordingly disposed as withdrawn.

CONTEMPT PETITION NO. 36 OF 2015

1. In view of the above order passed in Arbitration Petition No. 930 of 2016, Shri Vaghela, counsel for the Petitioners states that this Contempt Petition can be disposed of.

2. Therefore, the Petition stands disposed.

(K.R. SHRIRAM, J.)