

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (APPEALS) NO.2028 OF 2016**

IN

APPEAL NO.622 OF 2011

IN

ARBITRATION PETITION NO.281 OF 2008

Irfankhan Chotekhan	...Applicant
In the matter between	
Irfankhan Chotekhan	...Applicant

Versus

Abdul Mannan Chotekhan & Ors.	...Respondents
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Mr. S.B. Prabhavalkar with Mr. Nilesh S. Parte for the Applicant.
Ms Achala Hatode i/b. M/s. S.K. Jain and Associates for Respondent No.1.
Mr. Manish Bohra i/b. M/s. Dahibawkar and Co. for Respondent Nos.2(d), (e) and (f).
Mr. A.H. Khatri i/b. Khatri Legal Venture for Respondent No.3.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 29th NOVEMBER, 2016.

P. C. :

Heard the learned counsel appearing for the Applicant, who is Appellant in the appeal. The appeal preferred by the Applicant has been admitted by this Court. By the order impugned, a petition filed by the second Respondent under section 34 of the Arbitration and

Conciliation Act, 1996 has been disposed of by consent of the parties. Interim order dated 12th March, 2012 has been passed in the appeal.

2. We have perused the prayers in the present notice of motion. Considering the scope of present appeal against an order on a Petition under section 34 of the Arbitration and Conciliation Act, 1996, none of the prayers made in this notice of motion can be considered on merits in the present appeal.

3. Faced with this difficulty, the learned counsel appearing for the Applicant prays for out of turn hearing of the appeal on the ground that the appeal was already ordered to be listed for hearing.

4. The notice of motion is accordingly dismissed.

5. Considering the clause 5 of order dated 12th March, 2012, the appeal shall be listed on appropriate cause list of final hearing of Original Side appeals of the category of “expedited appeals”. Appeal No.187 of 2012 shall be heard with Appeal No.622 of 2011.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)