

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

ARBITRATION PETITION (L) NO.1269 OF 2016

Ashwin Ulhas Trimal and Anr.Petitioners

Vs.

Ree Laboratories Pvt. Ltd.Respondent

Mr. Vishal Kanade i/b. Mr. Sumit S. Kothari for the petitioner.

Mr. Chirag Mody a/w. Mr. Rishikesh Soni i/b. Ashok Purohit and Co. for the respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 21st DECEMBER, 2016

P.C.

1 This petition is filed by the petitioner under Section 27 of the Arbitration and Conciliation Act, 1996. Section 27 (1) and (2) read as under :

“27. Court assistance in taking evidence.—

(1) The arbitral tribunal, or a party with the approval of the arbitral tribunal, may apply to the Court for assistance in taking evidence.

(2) The application shall specify—

(a) the names and addresses of the parties and the arbitrators;

(b) the general nature of the claim and the relief sought;

(c) the evidence to be obtained, in particular,—

(i) the name and address of any person to be heard as witness or expert witness and a statement of the subject-matter of the testimony required;

(ii) the description of any document to be produced or property to be inspected.

2 The counsel for the respondent submitted that the application does not contain a statement of the subject matter of the testimony

required and, therefore, is not in strict compliance with Section 27, Sub Section 2 (c) (i) of the Arbitration and Conciliation Act, 1996.

3 Have considered the petition. The petition does specify the name and address of the parties and the Arbitrators, the general nature of the claim and the relief sought and also the evidence to be obtained. The petition also contains the name and address of the witnesses and the statement of the subject matter of the testimony required particularly, in paragraph 4 (vi) read with paragraph 4 (viii).

4 In the circumstances, the petition is allowed in terms of prayer clause 9 (i) and accordingly disposed.

5 The petitioner to inform the registry the time and date on which the Arbitrator will hold the hearing, at which time the witnesses are required to be present. The registry to issue witness summons in accordance with that letter.

(K.R. SHRIRAM, J.)