

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 504 OF 2016

Suraj Ashok Jadhav

..... Petitioner

VERSUS

Abhyudaya Co-operative Bank Ltd. & Anr.

..... Respondents

Ms. Neuty Thakkar for the Petitioner.

Mr. Vishal Ghosalkar for Respondent No.1.

CORAM : R.D. DHANUKA, J.

DATE : 10th AUGUST, 2016

P.C.

Pursuant to the order passed by this court on 21st July, 2016, the respondent no.1 has filed an affidavit dated 9th August, 2016 stating that the respondent no.1 has received a sum of Rs.2,18,04,750/- from the sale proceeds of the mortgage flat and the said amount is adjusted against various loans for which the said flat was mortgaged. Learned counsel appearing for respondent no.1 states that as of today, nothing is payable by the petitioner to the respondent in respect of the claim which was subject matter of the impugned award. Statement is accepted.

2. Learned counsel appearing for the petitioner states that in view of the averments made by the respondent no.1 in paragraphs 7 and 8 of affidavit dated 9th August, 2016 and in view of the statement made across the bar by the learned counsel for the respondent no.1, the petitioner seeks liberty to withdraw this arbitration petition.

3. Arbitration petition is dismissed as withdrawn in view of the statements made aforesaid. No order as to costs.

[R.D. DHANUKA, J.]