

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.124 OF 2015
(MRS. VIJAYA MURLIDHAR MALPANI...VS..M/S. EMCO LIMITED)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 28, 2016.

Heard Shri N.C. Phadnis, advocate for the applicant and Shri H.R. Deshpande, advocate holding for Shri S.V. Sirpurkar, advocate for the non-applicant.

The applicant seeks transfer of the proceedings filed by the non-applicant at Pune on the ground that the Arbitrator was appointed to resolve the dispute by this Court i.e. Bench at Nagpur, that the arbitration proceedings were taken up at Nagpur and later on as the learned Arbitrator shifted to Pune at the fag end of the arbitration proceedings, hearing was taken at Pune and the award was passed at Pune. It is submitted the transactions had taken place at Nagpur.

In my view, the grievance of the applicant cannot be considered under Section 24 of the Code of Civil Procedure as the point raised is about jurisdiction of the Court at Pune and the applicant has already filed an application before the Court at Pune raising objection. The objection raised by the applicant will have to be decided after considering the pleadings of the parties and if required after giving parties an opportunity to lead evidence.

In view of the above, this application cannot be considered. The application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

RRaut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : R.B. Raut, PS

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