

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

**NOTICE OF MOTION NO.137 OF 2017  
IN  
ARBITRATION PETITION NO.369 OF 2006**

Nina Anil Shah .....Applicant/petitioner

V/s.

Kusum Bhaskarao Gorule .....Respondent

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Mr.Anil Shah-Constituted Attorney of the petitioner present in court.

Ms.Savita S.Ganoo i/by Sanskar Marathe for respondent and for defendant no.2 in Suit No.3162 of 2005.

Mr.Nitin Thakkar, senior Advocate i/by Nazia S.Shaikh for defendant no.3 in Suit No.3162 of 2005.

Mr.Shyam Mehta, senior advocate Amicus Curiae present in court.

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**CORAM : K.R.SHRIRAM,J  
DATE : 2.2.2017**

**P.C.:-**

**NOTICE OF MOTION NO.137 OF 2017**

1 The prayers sought in this Notice of Motion are as under :-

*(a) That this Hon'ble Court be pleased to direct Hon'ble Prothonotary & Senior Master, High Court, Bombay to list above matters as per Sitting List W.E.F 4<sup>th</sup> January 2017 and in compliance of Hon'ble Judicial Registrar Hon'ble Supreme Court directions to Prothonotary & Senior Master High Court Bombay, by his letter dated 28<sup>th</sup> Sept 2016 to list above matters before Justice Kathawalla only ;*

*(b) Cost of this Notice of Motion be provided for ;*

*(c) Such other and further reliefs as the nature and circumstances of the case may require be granted.*

2           Such prayers can never be granted by this court. Notice of Motion dismissed.

**ARBITRATION PETITION NO.369 OF 2006**

3           This petition is challenging an arbitration award. On 9.1.2017 when the petition was listed, the petitioner's constituted attorney Mr.Anil Shah informed the court that this court should not hear the matter but it should be heard only by His Lordship Hon'ble Mr.Justice Kathawalla because according to him the Registrar of the Supreme Court has directed that this matter should be heard only by Justice Kathawalla. I was surprised and asked Mr.Shah to produce copy of this order because such an order would never be passed by the Registrar of the Supreme Court. He could not produce any such order. According to him since his representation was forwarded by the Registrar of the Supreme Court to the Registrar General of this court, it is an order. It defied sensibility. Mr.Shah was also raising his voice and speaking in a very disrespectful manner with the court. I told Mr.Shah that he should not be speaking like that to the court and he was being disrespectful. I also told Mr.Shah that Hon'ble the Chief Justice has assigned the matter to this court and unless that administrative direction was altered, this court can and will hear the matter. The matter was therefore, stood over to today so that Mr.Shah would have about 4 weeks time to prepare for the matter and go on with the matter or in the alternative he may move Hon'ble

the Chief Justice for appropriate directions. At that stage Mr.Shah stated that he will be filing a writ petition and that he has lot of money with him to continue with the litigation and he will never agree with this court for hearing this matter. Despite the contemptuous behaviour of Mr.Shah the court did not take any action against Mr.Shah but simplicitor adjourned the matter to be heard today, also hoping that by then Mr.Shah will see reason and calm down.

4 Today, when Mr.Shah has been told to go on with the matter, Mr.Shah raises his voice again and states he has no faith in this court and this court will not grant any justice to him. I told Mr.Shah to apologize. Mr.Shah first refused to apologize but subsequently when this order was being dictated and when I said "Mr.Shah refused to apologize", Mr.Shah apologized and expressed regret.

5 Mr.Shah at this stage undertakes to this court that he is ready to go on with the matter before this court and further he will not insist on the matter being heard only by Justice Kathawalla. Mr.Shah requests that the matter be kept on 17.2.2017 so that he can prepare very well to go on with the matter.

6 Stand over to 17.2.2017 at 3.00 P.M.

**(K.R.SHRIRAM,J)**