

sg

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION PETITION (L) NO.312 OF 2017

Hiravati International Private Limited ...Petitioner

vs

Baby Marine (Eastern) Exports ...Respondent

.....

Mr. Prathamesh Kamat, a/w. Ms. Sapana Rachure, i/b. T.N. Tripathi & Co., for the Petitioner.

Ms. Indu Varma, i/b. Ms. Rashmi Sawant, for the Respondent.

.....

CORAM : S.C. GUPTE, J.

DATED: JULY 27, 2017

P.C. :

. Heard learned Counsel for the parties.

2. This Arbitration Petition is filed under Section 27 of the Arbitration & Conciliation Act, 1996 for assistance of this Court in taking evidence. Pursuant to an order passed by the sole Arbitrator on 5 July 2017, granting leave to the Petitioner to seek assistance of this Court by way of issuance of witness summons against the witness named therein, this application is made under Section 27. The application is opposed by the Respondent by filing an affidavit-in-reply. Learned Counsel for the Respondent submits that the Petitioner has had a sufficient opportunity to lead evidence of two witnesses, who have already been cross-examined and that it is not necessary to summon the witness to prove the Petitioner's case.

3. It is for the Applicant to decide whose evidence to lead in support of the case. The application is filed after taking leave of the sole Arbitrator.

4. In the premises, the application is allowed in terms of prayer clause (a). Office to accordingly issue witness summons to Mr. S. Mohammed Shafi at the venue to be indicated by the Petitioner. The petition is disposed of accordingly.

(S.C. GUPTE, J.)