

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No.402 OF 2016

Ms.Nomula Brothers ... **Appellant**

V/s.

M/s.Ruchi Worldwide Limited ... Respondent

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Ms.Devika Purav i/b. P.D.Prasad Rao, Advocate for the Appellant.

Ms.Monika Tanna i/b. Singhania Legal Servies, Advocate for the Respondent.

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**CORAM : ANOOP V. MOHTA J.
A.M.BADAR J.**

DATED :6th FEBRUARY 2017.

ORAL JUDGMENT : (PER ANOOP V. MOHTA J.)

1 Admit.

2 Heard the counsel appearing for the parties. The appellant has challenged the impugned Order passed on 20th July 2016, whereby while dealing with the petition under Section 34 of the Arbitration and Conciliation Act, 1996 (For short, “the Arbitration Act”), considering the specific clause of jurisdiction i.e. “this contract is subject to Indore Jurisdiction” and also by noting a

Judgment of Division Bench of this Court in Appeal (Lodging) No.209 of 2014 dated 17th February 2016, where one of us (Anoop V. Mohta J) was party, whereby by allowing the appeal and permitting the similarly placed parties, based upon similar jurisdictional clause, refused to entertain Section 34 application in this Court, thereby quashed and set aside the order with further observations and liberty to appellant, the appellant heard also, to raise issue before the Court at Indore and the Court at Indore to consider the same in accordance with the law. Therefore, the learned Judge in the impugned Order after noting the facts, the clauses and the law laid down by this Court, as recorded above, has passed the Order of dismissing the Arbitration Petition for want of territorial jurisdiction of this Court. We see there is no perversity and illegality which require the Appellate Court under Section 37 of the Arbitration Act to interfere with it.

3 Therefore, the appeal is dismissed.

4 No costs.

(A.M.BADAR J.)

(ANOOP V. MOHTA J.)