

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

**ARBITRATION PETITION NO.135 OF 2017**

**Mr. Mohd Feroz Mohd Hanif** : Petitioner.  
**versus**  
**Mr.Abdul Alim Abdul Majid Khan & anr.** : Respondents.

**Mr. A A Siddiqui for the Petitioner.**  
**Mr. M Saeed Kadu for the Respondent No.1.**

**CORAM : R. M. SAVANT, J.**  
**DATE : 02<sup>nd</sup> MAY 2017**

**P.C.**

1 By consent of the learned counsel for the parties, which consent the learned counsel have given on the basis of the instructions of the Petitioner and the Respondent No.1 who are personally present in Court, the above Petition is taken up for hearing. The learned counsel for the parties prays that the impugned Award be set aside and the disputes between the parties be referred to Shri A J Dholakia, learned retired Judge of the City Civil Court, Mumbai for adjudication.

2 The Petitioner Mr. Mohd Feroz Mohd Hanif, as indicated herein above, is also personally present in Court and is identified by the learned counsel Shri A A Siddiqui and he is also identified by his driving license bearing No.MH-03-19910011392 issued on 25/07/1991 and valid till 03/03/2023. On being queried, he states that he has no objection to the

Award being set aside and the disputes being referred back for adjudication to the sole Arbitrator Shri A J Dholakia.

3           The Respondent No.1 Mr. Abdul Alim Abdul Majid Khan, as indicated herein above, is also personally present in Court and is identified by the learned counsel Shri M Saeed Kadu and he is also identified by his driving license bearing No.MH-03-20090049068 issued on 19/03/1997 and valid till 05/10/2017. On being queried, he states that he has no objection to the Award being set aside and the disputes being referred back for adjudication to the sole Arbitrator Shri A J Dholakia.

4           In view of the said statements, the impugned Award is set aside by the consent of the parties and the Disputes between the Petitioner and the Respondent No.1 are referred back for adjudication to the sole Arbitrator Shri A J Dholakia, learned retired Judge of the City Civil Court, Mumbai. The parties to appear before the learned Arbitrator on 16/06/2017. The learned Arbitrator may thereafter fix the schedule as per his convenience. Both the learned counsel for the parties are agreeable that the proceedings would start from the stage of filing of the affidavit of examination-in-chief before the learned Arbitrator. The learned Arbitrator may accordingly start the proceedings from the said stage and pronounce the Award as per the time frame stipulated by the New Act. Needless to state that since the parties have

suo-moto agreed to the name of Shri A J Dholakia, they would mutually fix the fees for arbitration. With the aforesaid directions, the above Petition to accordingly stand disposed of.

**[R.M.SAVANT, J]**