

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**ARBITRATION APPEAL NO. 2 OF 2016
WITH
CIVIL APPLICATION NO. 4422 OF 2016 IN ARBA/2/2016**

**BAJIRAO BUDHAJI SHINDE
VERSUS
SATISH BUDHAJI SHINDE AND OTHERS**

Advocate for the Appellant : Shri H. U. Dhage
Advocate for Respondent No.1 : Shri. G.K. Naik Thigle
Advocate for the Intervener : Shri D. A. Bide

**WITH
CIVIL APPLICATION NO.6170 OF 2016 IN ARBA/2/2016**

**SMT. LAXMIBAI W/O ROHIDAS SHINDE
VERSUS
BAJIRAO BUDHAJI SHINDE AND OTHERS**

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Advocate for the Applicant- intervener : Shri D. A. Bide
Advocate for Respondent No. 1 : Shri H.U.Dhage
Advocate for Respondent No.2 : Shri. G.K. Naik Thigle

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 28th AUGUST, 2018.

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PER COURT :

1. I have heard the submissions of the learned Advocates and perused the petition paper book with their assistance.
2. The petitioner is aggrieved by the order dated 08/03/2016 passed by the learned Principal District Judge, Parbhani in Misc. Application (RJE) No. 559/2015, by which,

the petitioner has sought the relief under Section 9 of the Arbitration and Conciliation Act, 1996.

3. By the impugned order, no protection was granted in view of the fact that the material facts as regards expulsion, filing of the Regular Civil Suit No. 53/2009 and the Writ Petition No. 6596/2010 were suppressed, inasmuch as, the temporary injunction was refused in the said suit by order dated 25/08/2010. So also, the Writ Petition has been rejected. For 7 years, no proceedings were initiated for invoking arbitration and hence, it was concluded that the petitioner was not entitled to seek protective orders by invoking Section 9.

4. As such, I do not find that the impugned order could be termed as being perverse or erroneous.

5. The Arbitration Appeal is, therefore, dismissed.

6. Pending Civil Applications do not survive and stand disposed off.

(RAVINDRA V. GHUGE, J.)

shp/-