

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

ARBITRATION PETITION NO. 188 OF 2018

M/s.Adamji Mahomedally & Ors. Petitioners

VERSUS

Imtiaz Sharafali & Anr. Respondents

Mr.Rustam Pardiwala, i/b. Mr.K.S.Irani for the Petitioners.

Mr.Vikramaditya Deshmukh, a/w. Mr.Prakash Shinde, Mr.Chirag Bhavsar, i/b. MDP & Partners for the Respondent no.1.

Mr.Zaid Ansari, a/w. Mr.Deep Morabia for the Respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 23rd FEBRUARY, 2018

P.C.

By this petition filed under section 27 of the Arbitration and Conciliation Act, 1996, the petitioner seeks issuance of the witness summons upon the respondent no.2 and his duly constituted attorney Mrs.Shaheen Yennemadi with a direction against them to remain present before the learned arbitrator for their cross examination by the petitioner.

2. It is not in dispute that the respondent no.2 and his constituted attorney has not entered the witness box. The respondent no.2 or his constituted attorney thus cannot be compelled to enter the witness box for the purpose of cross examination.

3. Arbitration petition is misconceived and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]