

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

And

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

C.M.A.No.1278 of 2017

JUDGMENT: (per Hon'ble Sri Justice C.Praveen Kumar)

1) The present C.M.A. is filed under Section 37 (2) of the Arbitration and Conciliation Act, 1996, assailing the order dated 30.10.2017 passed in ARB.O.P.No.857 of 2017 on the file of the IX Additional Chief Judge, City Civil Court, Hyderabad.

2) By an order dated 05.01.2018, this Court while issuing notice, ordered interim stay of impugned proceedings.

3) It is represented that pending the C.M.A., an arbitrator came to be appointed, before whom the claim statement as well as the written statement were filed and the matter is posted to 21.04.2017.

4) It is represented by the learned counsel for the appellant that no application can be moved before the Arbitrator before 21.04.2017 and any order to be obtained before the Arbitrator, can only be on or after 21.04.2017. Hence, pleads that the interim order granted earlier may be extended till that date.

5) Learned counsel for the respondents though states that he has no objection for the same but however submits that the appellant

cannot be aggrieved by the order passed in O.P., and as such there is no necessity to extend the interim order.

6) Having regard to the fact that the interim order is in force since 05.01.2018 and as the matter will be taken up by the Arbitrator on 21.04.2018, the present C.M.A. is disposed of permitting the parties to file their objections before the Arbitrator and plead for appropriate relief. However, till 21.04.2018, the interim order passed by this Court on 05.01.2018 shall be in force. It is made clear that un-influenced by the order passed by this Court, the Arbitrator shall independently deal with the matter and decide the application in accordance with law.

7) There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.



C.PRAVEEN KUMAR, J

T. AMARNATH GOUD, J

09.04.2018
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