

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

WRIT PETITION NO. 14555 OF 2019

RUSI KHAMBATTA AND ASSOCIATES
VERSUS
PADMASHRI DR. VITTHALRAO VIKHE PATIL
FOUNDATIONS AHMEDNAGAR MEDICAL COLLEGE AND
HOSPITAL.

...
Advocate for the Petitioner : Shri V. J. Dixit Sr.Counsel
h/f. Shri S. V. Dixit
Advocate for the Respondent – sole : Shri V. D. Hon,
Sr.Counsel h/f. Shri A. V. Hon.
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 04th DECEMBER, 2019

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PER COURT :

1. The learned Senior Advocates appearing on behalf of the Petitioner and the sole Respondent have strenuously canvassed their submissions on 03/12/2019.

2. As I noticed that the petitioner is before this Court challenging the *ex parte ad interim* order passed which is evident from the show cause notice issued by the Trial Court, I suggested to the parties that since the Trial Court has issued a show cause notice as to

why the order of stay should not be continued till the hearing and disposal of the application filed under Section 34 of the Arbitration and Conciliation Act, 1996, it would be appropriate to canvass their entire submissions before the Trial Court rather than taking up this petition in this Court.

3. The learned Senior Advocate today submits on instructions that since this Court has expressed a view, all contentions of the parties be kept open with a direction to the Trial Court to decide the application Exhibit 5 in Arbitration Application No. 10/2011, within a time frame.

4. Considering the above, this petition is disposed off with the following directions :-

(a) The Petitioner Firm will cause an appearance today in Arbitration Application No. 10/2011.

(b) The Petitioner Firm would file its written statement / objections / applications, in the said proceedings before the Trial Court, on or before 23/12/2019.

(c) All the litigating sides would advance their oral submissions on application Exhibit 5 and any such application if filed by the Petitioner / Respondent, on 03/01/2020 and 04/01/2020 and conclude their submissions.

(d) The Trial Court would decide Exhibit 5 and any other application if filed by the Petitioner / Respondent, on or before 31/01/2020 and shall refrain from seeking extension of time.

(e) All the contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

shp/-