

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION (ST.) NO.17707 OF 2019

Nikita Builders and Developers through Its Partner Shri.Nandlal G. Kimtani	..Petitioner
Vs.	
Ali Jaffari	..Respondent

Mr.Sanjay Jain with Mr.Sheelang Shah and Ms.Gauri M. i/b. M/s.LJ Law
for Petitioner.
Mr.S.C. Wakankar for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 3rd JULY, 2019

P.C.:

Permission to file vakalatnama to Advocate for the respondent in
the office.

2. Heard Mr.Jain, learned Counsel for the petitioner and
Mr.Wakankar, learned Counsel for the respondent.

3. This petition under Section 37 of the Arbitration and Conciliation
Act, 1996 (for short, "the Act") is filed assailing an order dated 17 June,
2019 passed by the learned District Judge-1 Pune, whereby ad-interim
reliefs on the petitioner's section 9 application, filed post award are
rejected, while issuing notice to the respondent.

4. It is informed that hearing of the section 9 application
(Miscellaneous Civil Application No.533 of 2019) is scheduled on 5 July,
2019. The respondent now has notice of the proceeding before the trial

Court. Learned Counsel for the respondent submits that his client would appear in the said proceedings.

5. As the impugned order is an ad-interim order and the parties would be heard on merits, the learned District Judge-1, Pune, shall take up the petition for hearing on interim reliefs as prayed by the petitioner and pass appropriate orders after hearing the parties.

6. Needless to observe that the learned District Judge-1, Pune, shall consider and decide the section 9 application of the petitioner on its own merits and without being influenced by the impugned ad-interim orders dated 17 June 2019.

7. All contentions of the parties including on merits of the matter are expressly kept open.

8. The petition stands disposed of accordingly.

9. The parties to act on an authenticated copy of this order.

[G.S. KULKARNI, J.]