

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10231 OF 2017

(Sainath Co-operative Housing Society Ltd. Vs. Suresh Tejram Mehra and another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Rajesh Singh for Petitioner.
Ms Neeta Jain for Respondents.

CORAM : R. G. KETKAR, J.

DATE : 16TH JANUARY, 2019

P.C.:

Heard Mr. Singh, learned Counsel for the petitioner and Ms Jain, learned Counsel for the respondents at length.

2. This Petition takes exception to the order dated 24.03.2017 passed by the learned trial Judge below exhibit-14 in R.A.D. Suit No.2001 of 2016. By that order, the learned trial Judge rejected the application made by the defendant under Section 8 of the Arbitration and Conciliation Act, 1996 (for short 'Act') for referring the dispute to the arbitrator.

3. After arguing the Petition for quite some time, Mr.Singh seeks permission to withdraw the Petition with liberty to file appropriate proceedings in the trial Court for dismissal of the Suit on the ground that there is no

relationship of landlord and tenant between the parties.

4. In view thereof, on the motion made by Mr. Singh, Petition is allowed to be withdrawn with liberty as prayed for. All contentions of the parties on the proposed proceedings are expressly kept open. Petition is disposed of accordingly.

5. Mr. Singh states that as the petitioner had filed application under Section 8 of the Act, petitioner did not file written statement. He assures that within 30 days from today, the petitioner will file written statement and serve copy in advance on the other side during this period.

6. As the petitioner was bonafide prosecuting application under Section 8 as also this Petition, if within 30 days from today, petitioner files written statement in the Court, the trial Court will not refuse to take it on record on the ground that it is not filed within the time stipulated under Order VIII, Rule 1 of the Code of Civil Procedure, 1908. Order accordingly.

(R. G. KETKAR, J.)

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