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

ARBIRTRATION APPEAL NO.17 OF 2014

Chandrakant Baliram Manerkar ... Appellant.
V/s.
Sudam Baliram Manerkar and ors ... Respondents

**ALON WITH
ARBIRTRATION APPEAL NO.16 OF 2014**

Sudam Baliram Manerkar ... Appellant.
V/s.
Chandrakant Baliram Manerkar
and ors ... Respondents

**ALON WITH
CIVIL APPLICATION NO.21 OF 2014
IN
ARBIRTRATION APPEAL NO.16 OF 2014**

Sudam Baliram Manerkar ... Appellant.
V/s.
Chandrakant Baliram Manerkar ... Respondents

**ALON WITH
ARBIRTRATION APPEAL NO.1 OF 2015**

Ganesh Baliram Manerkar @ Bhoir ... Appellant.
V/s.
Sudam Baliram Manerkar and ors ... Respondents

- Mr. Amir Arisiwala i/by Raviraj Gamare, for the Appellant in Arbitration Appeal No.17 of 2014.
- Ms. Minal Chandnani, for the appellant in Appeal No.16 of 2014 and for respondent in Appeal No.17 of 2014 and Appeal No.01 of 2015.

- Mr. M.J. Bhat, for the appellant in Appeal No.1 of 2015.
- Ms. Faran Khan, for respondent No.3 in appeal No.1 of 2015.

CORAM : G. S. KULKARNI, J.

DATE : 4th July 2019.

P.C. :

- 1] Heard learned counsel for the parties.
- 2] These are the three appeals which are filed by the appellants challenging the ad-interim order dated 30th June, 2014, passed by the learned District Judge, Thane, on applications filed by respondent under section 9 of the Arbitration and Conciliation Act, 1996 (for short, “Act”).
- 3] Admittedly this Arbitration Application filed under section 9 of the Act, is pending adjudication. By the impugned order, the learned District Judge had granted ad-interim protection directing parties to maintain status quo. The record would indicate that these appeals are filed in the year 2014 and 2015. The impugned order has continued to operate and it was not stayed by this court.
- 4] In the above circumstances it will be appropriate for the parties to appear before the learned District Judge, with a request that pending Section 9 Applications be heard and decided by the learned District Judge. It is submitted that though by the impugned order, ad-interim protection was

granted in the year 2014, however, till this date that is for about five years, parties have not taken any steps to proceed to appoint an arbitral tribunal.

5] Accordingly, these appeals are disposed of with a direction to the parties, at the first instance, to approach the court of learned District Judge, Thane on 9th July, 2019 at 11.00 a.m. to request the learned District Judge to fix a early hearing of the Section 9 Application and decide the same.

6] The learned District Judge shall decide the Section 9 application on it's own merits, preferably before 31st July, 2019, without being influenced by the impugned order,

7] These appeals are disposed of in above terms.

8] All the contentions of the parties including on merits are expressly kept open.

9] The impugned order which is operating since 30th June, 2014, shall continue to operate till section 9 Application is decided by the learned District Judge, Thane.

10] The record and Proceeding of these appeals be forwarded by the Registry by tomorrow to the learned District Judge Thane.

11] In view of disposal of Appeal itself, pending Civil Application No. 21 of 2014 does not survive and accordingly disposed of.

[G. S. KULKARNI, J]