

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.25/2019
WITH
CIVIL APPLICATION NO.5/2019

Nitin Satish Mittal ... Petitioner

V/s.

Manoj Vijaykumar Agarwal & Ors. ... Respondents

APPEAL FROM ORDER (ST) NO.36122/2018
WITH
CIVIL APPLICATION (ST) NO.36124/2018

Manoj Vijaykumar Agarwal & Ors. ... Petitioners

V/s.

Nitin Satish Mittal & Ors. ... Respondents

Mr. Atharva A. Dandekar with Shruti Tulpule for the Appellant in Appeal from order.

Mr. Abid Mulani for Respondent Nos.1, 2 and 13 in Writ Petition 25/2019

Mr. Nikhil Wadikar a/w. Hemal Ganatra I/b. Hemal Ganatra for the Petitioner in 25/2019 and for Respondent No.1 in Appeal from order.

CORAM: K.K. TATED, J.

DATED : MARCH 7, 2019

P.C. :

1 Heard. After arguing for some time, both the counsel tendered minutes of order dated 07.03.2019 duly signed by them. Same are taken on record and marked "X" for identification,

which read thus:

“MINUTES OF THE ORDER

1. *All claims of the Parties hereto including the question of arbitrability of the present dispute and whether the Arbitral Tribunal has jurisdiction to entertain the arbitration shall be referred to arbitration before Justice Mr. S.R.Sathe (Retd.) In the event that Justice Mr. S.R.Sathe (Retd.) is not available for any reason whatsoever then another arbitrator will be appointed as the sole arbitrator by consent of parties within 10 days of such communication. In case parties are unable to agree on the name of the substitute arbitrator, liberty is granted to parties to file an application in the captioned proceedings for appointment of such an arbitrator.*
2. *In view of the above, the captioned Writ Petition and Appeal from Order stand disposed-off with no order as to costs.”*

2 The Writ Petition, Appeal from Order and pending Civil Application, if any, stand disposed of in terms of the minutes of order dated 07.03.2019.

3 Liberty as prayed for is granted.

4 Parties to act on an authenticated copy of this order.

(K. K. TATED, J.)