

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

APPEAL FROM ORDER (STAMP) NO.14635 OF 2019

My Own Eco Energy Pvt. Ltd.

...Appellant
(Orig. Deft. No. 2)

Vs.

M/s. Maruti Fuel Station & Anr.

...Respondents

....

Mr. Joel D'Souza i/b Shri Vishwajeet V. Mohite, Advocate for the appellant.

Shri U. P. Warunjikar, Advocate for the respondents.

....

CORAM : M.S.KARNIK, J.

DATE : 3rd JUNE, 2019

P.C. :

1. There is no dispute that the matter is listed before the City Civil Court on 04/06/2019.
2. Learned counsel Mr. Warunjikar appearing on behalf of the respondents/original plaintiffs submits that the application under Section 8 of the Arbitration Act pending before the City Civil Court will be argued positively on 06/06/2019. The learned Judge of the City Civil Court is requested to post the application on 06/06/2019 and hear the plaintiffs on the said application.

3. Learned counsel Mr. Warunjikar undertakes that on 06/06/2019 no adjournment will be sought under any circumstances. In the event, if the arguments are not advanced by the plaintiffs on said application on 06/06/2019, the Trial Court is free to decide the application on its own merits, even in the absence of any arguments made by the plaintiffs. This order is passed in the peculiar facts that have arisen. Learned counsel for the appellant strongly opposed grant of ad-interim order in favour of the plaintiffs. The order of the trial court came to be stayed by the vacation bench of this court. In all fairness, the learned counsel for the appellant submitted that he will not take any steps to encash the bank guarantee till 07/06/2019.
4. The learned counsel for the appellant pointed out that he has already filed his written arguments to the application under section 8 of the Arbitration Act filed before the City Civil Court.
5. Stand over to 10/06/2019.
6. Parties to act on an authenticated copy of this order.

(M.S.KARNIK, J.)