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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO.7 OF 2018
IN
ARBITRATION PETITION NO.708 OF 2017

Jayanand J. Salgaonkar	...Petitioner
V/s.	
Jayraj J. Salgaonkar & Ors.	...Respondents

Mr.Yatin R. Shah for the Petitioner.

Mr.Rajendra V. Pai with Mr.A.R. Pai, Mr.Akshay Pai and Ms.Neuty N. Thakkar I/b Mrs.Bina Rajendra Pai for the Respondent No.1.

Mr.Deepan Desai for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 30TH JULY, 2019.

P.C. :-

1. Mr.Pai, learned counsel appearing for the respondent no.1 states that the preliminary issue decided by the learned arbitrator by an order dated 14th June, 2017 that the partnership firm under the Deed of 2005 is not at Will may be treated as a *prima-facie* view of the learned arbitrator. He has no objection if the said issue is decided by the learned arbitrator finally after giving an opportunity to both the parties to lead oral evidence on the said issue. Statement is accepted.

2. In view of the statement made by the learned counsel for the responded no.1, I need not entertain this review petition. It is made clear that the view taken by the learned arbitrator shall be treated as *prima-facie* view and not conclusive. Both the parties would be at liberty to lead oral evidence on the issue whether the partnership firm under the Deed dated 30th April, 2005 read with the Partnership Deed dated 26th June, 1999 can be dissolved at Will or not. The said issue to be decided finally by the learned arbitrator. It is made clear that the learned arbitrator shall decide the issue without being influenced by the observations made in the impugned order dated 14th June, 2017 and in accordance with law after considering the evidence of both the parties.

3. The review petition is disposed of on aforesaid terms. The parties are directed to proceed with the arbitral proceedings before the learned arbitrator expeditiously and shall not seek any unnecessary adjournment.

(R.D. DHANUKA, J.)