

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 710 OF 2017

Nandkishor Motilal Malani

..... Petitioner

VERSUS

**Mahindra & Mahindra Financial
Services Ltd. & Anr.**

..... Respondents

Mr.Jayesh Kotecha, a/w. Mr.Chandrakirti Zende for the Petitioner.

Mr.Sanjeev Sawant, a/w. Ms.Priya Crasto for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 17th JUNE, 2019

P.C.

Mr.Sawant, learned counsel appearing for the respondent no.1 on instruction states that insofar as the petitioner is concerned, his client would not execute the arbitral award dated 1st June, 2017 reserving the right of his client to execute the arbitral award against the principal borrower, respondent no.2 in this arbitration petition. Statement is accepted.

2. In view of the statement made by the learned counsel for the respondent no.1 on instruction, learned counsel appearing for the petitioner seeks liberty to withdraw this petition.

3. Arbitration petition is dismissed as withdrawn in view of the statement made by the learned counsel for the respondent no.1.

4. The respondent no.1 cannot execute the impugned award insofar as the petitioner is concerned. The respondent no.1 is however at liberty to execute the arbitral award against the respondent no.2 in view of the respondent no.2 not having impugned the said award and the same having attained finality.

5. Arbitration petition is dismissed as withdrawn in view of the aforesaid order. No order as to costs.

[R.D.DHANUKA, J.]