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

ARBITRATION PETITION (L) NO.1045 OF 2019

Vimal Manilal Lad and 2 ors ... Petitioners
V/s.
Indusind Bank Ltd and ors ... Respondents

Ms. Ishita Advani i/by M/s Desai & Diwanji, for the
Petitioners.

Mr. M. B. Kale i/by O.M. Gujar, Law Chambers, for
respondent No.1.

CORAM : G. S. KULKARNI, J.

DATE : 19th September, 2019.

PC. :

- 1] Heard learned counsel for the petitioners and the respondents.
- 2] This petition is filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short called as, "the Act"); whereby the petitioners – original respondents are before the Court, challenging an order dated 29th July, 2019 (Exhibit “A”), passed by the learned arbitrator on an application under Section 17 of the Act.
- 3] Perusal of the order indicates that the impugned order is an ex-parte order to the petitioners. The petitioners have various contentions that such order ought not to have been passed against the petitioners and that it

would cause serious injustice to the petitioners.

4] Having heard the learned counsel for the parties, in my opinion, it is in the interest of justice that the petitioners are permitted to move the arbitral tribunal by an application to vacate the ex-parte order passed on the respondent's Section 17 application. Learned counsel for the petitioners submits that such application would be filed within two weeks from today. Respondents are also entitled to file reply to such application which would be filed by the petitioner. Learned arbitrator shall consider the rival contentions and pass appropriate orders on the said application without being prejudiced by the impugned order.

5] The petition is disposed of in above terms.

6] All contentions of the parties are expressly kept open.

7] Till disposal of the application which may be filed by the petitioners, the petitioners are directed to maintain status quo in regard to the property in question. Ordered accordingly.

8] Disposed of. No costs.

[G. S. KULKARNI, J]