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

COMMERCIAL ARBITRATION PETITION (L) NO.1234 OF 2019

Metropolis Helthcare Ltd	...	Petitioner
V/s.		
Ajit S. Golwilkar and 2 ors	...	Respondents

Dr. Birendra Saraf a/w Yakshay Chheda, Ms. Pooja Tated
and Ms. Warisha Parkar i/by Parinam Law Associates, for
the Petitioner.

Mr. Chirag Mody a/w Jatin P. and Abhirup Ghosh i/by DSK
Legal, for respondents

CORAM : G. S. KULKARNI, J.

DATE : 17th October, 2019.

PC. :

1] Learned advocate for the respondents undertakes to file his Vakalatnama.

2] Heard learned counsel for the petitioner and learned counsel for respondent.

3] This is a petition filed under Section 27(1) of the Arbitration and Conciliation Act, 1996 (for short, “the Act”), whereby the petitioner has prayed that a witness summons be issued to Mr. Kiran Indrabhan Karnawat, to remain present before the arbitral tribunal on 7th November, 2019 at 5.00 p.m.

4] The learned counsel for the petitioner has drawn my attention to the order dated 3rd October, 2019 passed by the learned Arbitrator, to contend that arbitral tribunal has accepted that the testimony of this witness would be relevant for adjudication of the dispute between the parties.

5] Mr. Mody, learned counsel for respondent at the outset would draw my attention to the last line of paragraph 10(b) of the petition namely, “at the behest of the respondents”. Dr. Saraf, learned counsel for the petitioner, states that the addition of words, “at the behest of respondent” in sub para (b) is an inadvertent mistake and the petitioner be permitted to delete the said words. Accordingly the petitioner is permitted to delete the words “at the behest of respondent” appearing in the last line of para 10(b). Necessary amendment be carried out during the course of the day.

6] Dr. Saraf, would submit that this would be the last witness that would be examined by the petitioner before arbitral tribunal.

7] Having heard the learned counsel for the parties and having perused the record, in my opinion, it would be in the interest of justice that the prayers as made by the petitioner be granted.

8] The office is accordingly directed to issue witness summons to Mr. Kiran Indrabhan Karnawat, having office at Flat No.301, Amar Eternity Ivory Estate, Baner Road, Hotel Green Park, Someshwar Wadi, Pune 411 045, Maharashtra, India, to appear before arbitral tribunal on **7th November, 2019**

at 5.15 p.m. at the following address:-

“Bhadang Conference Room”, 5th floor,
oval house, Kala Ghoda, Mumbai.

- 9] Ordered accordingly.
- 8] Petition is disposed of in the above terms. No costs.

[G. S. KULKARNI, J.]