

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

MISC. CIVIL APPLICATION (ARBN.) NO. 211 OF 2019

(M/s. Lambodar Realtors Pvt. Ltd. ..vs.. M/s. Supratik Infra Ventures Pvt. Ltd. and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Srivasatava, Counsel for the applicant,
Shri N.V. Fulzele, Counsel for non-applicants 1 and 2.

CORAM : ROHIT B. DEO, J.

DATED : 26-04-2019

The non-applicants 1 and 2 are objecting to appointment of the Arbitrator.

2. One of the objections taken is that in view of the decision of the Hon'ble Apex Court in *Garware Wall Ropes Ltd. v. Coastal Marine Constructions & Engineering Ltd.* in *Civil Appeal 3631 of 2019 dated 10th April, 2019*, the agreement in which the arbitration clause is incorporated, is not a contract within the meaning of Section 2(h) of the Contract Act and is not enforceable.

3. Shri R.R. Srivastava, learned Counsel for the applicant submits that in view of the objection that the arbitration clause is not enforceable, the applicant is seeking leave to withdraw this application with liberty to institute appropriate proceedings.

4. The applicant is permitted to withdraw this

application with liberty to institute appropriate proceedings in accordance with law.

JUDGE

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