

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

ARBITRATION APPEAL 16 OF 2018

(Smt. Rajrani wd/o. Chaanjital Gandhi & ors..vs.. Smt. Motiyarani @ Nilam wd/o.
Kailshchandra Gandhi & ors)

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

Court's or Judge's orders.

Mr. Raspal Singh Renu, counsel for appellants.
Mr. R.K. Borkar, counsel for respondents.

CORAM: ROHIT B. DEO, J.

DATE: 22th APRIL, 2019.

This appeal under section 37 of the Arbitration and Conciliation Act, 1996 assails the decision of the District Judge under section 34 of the Act, by and under which, the arbitration award dated 14.5.2009 is declared sham, bogus and forged. Mr. R. Renu, the learned counsel for the appellants seeks leave to withdraw the appeal. However, the submission is that a substantive civil suit for partition i.e. Regular Civil Suit 271 of 2012 is pending before the Civil Court at Gondia and that the trial Court may not be influenced by any observation made by the District Judge while allowing the objection under section 34 of the Act.

2 The District Judge has held that there is no arbitration award in existence, which finding is recorded after examining the alleged arbitrator who has deposed on oath that he did not adjudicate upon the dispute. Needless to record, the decision in the partition suit will rest on the

evidence before the trial Court and the question of Civil Court being influenced by any observation made by the District Judge in MJC 60 of 2011 would not arise.

3 The appeal is disposed of as withdrawn.

JUDGE

rsb