

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

COMMERCIAL APPEAL (L) NO.1 OF 2020
IN
COMMERCIAL ARBITRATION PETITION NO.1315 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2020

Manoj Pathak & Anr.

..Appellants

Versus

L & T Finance Limited

..Respondent

Mr. Ashish Kamat a/w Ms. Neeta Parikh, Advocate for the Appellants.
Mr. Akash Rebello a/w Mr. Nishant Gautam, Mr. Nadeem Shama &
Ms. Hubab Sayyed i/by Triumph Legal, Advocate for the Respondent.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 7th JANUARY, 2020

P.C.

1] Impugned order dated 2nd December 2019 is an ad-interim order and thus counsel for the Appellants does not press the Appeal challenging the said order but wants it observed by the Division Bench that the learned Single would decide the application under Section 9 of the Arbitration and Conciliation Act, 1996 in light of the pleadings of the parties and uninfluenced by the prima-facie observations recorded in the impugned order for the reason the same are sans response filed by the Appellant.

2] Needless to state a final order deciding an application under Section 9 of the Arbitration and Conciliation Act, 1996 has to be with reference to the pleadings of the parties. It is settled law that observations in ad-interim orders passed before pleadings are completed are never treated as having any precedential value.

3] Thus, in view of the legal position noted herein-above the learned Single Judge would obviously decide the application under Section 9 of the Arbitration and Conciliation Act, 1996 in light of the pleadings of the parties uninfluenced by the prima-facie observations in the impugned order. The Appeal is disposed of as not pressed.

4] Since the Appeal has been disposed of, Interim Application is also disposed of as infructuous.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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