

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

ARBITRATION APPEAL NO.34/2017

The Agricultural Produce Market Committee, Hinganghat

..V/s..

Prakash Kathaney, Wardha

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

Court's or Judge's orders

Dr. Anjan De, Advocate for the appellant.
Shri A.M. Ghare, Advocate for the respondent.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 23.1.2020.

1] This appeal was initially filed in this Court in the form of an Appeal from Order and registered as A.O. No.51/2016. Subsequently, it was converted into an Arbitration Appeal and was registered in 2017, post conversion.

2] The learned Advocate for the respondent submits that this appeal would not be maintainable since Section 39(1)(vi) of the Arbitration Act, 1940 would render this appeal untenable and an appeal will have to be filed before the District Judge, Wardha.

3] The learned Advocate for the appellant submits that, in view of the above, the time spent by the appellant in this Court may be excused. He submits that the appeal paper book may be permitted to be presented

along with all Annexures, as it is, except with the change in the first page of the appeal memo and the appellant would do so within three weeks from today. The learned Advocate for the respondent has not opposed.

4] In view of the above, this arbitration appeal is **disposed off** with liberty to the appellant to place before the learned District Judge, Wardha a copy of this appeal paper book with all Annexures by amending the first page of the memo, within three weeks and the time spent by the appellant in this Court from 6.8.2018 until three weeks from today, would be a good ground for seeking condonation of delay.

5] The record and proceedings received by this Court shall be returned forthwith.

6] It is informed that the appellant had deposited an amount of Rs.16,84,795/- (Rs. Sixteen Lakhs Eighty Four Thousand Seven Hundred Ninety Five Only) out of which the respondent has withdrawn Rs.8,42,398/- (Rs. Eight Lakhs Forty Two Thousand Three Hundred Ninety Eight Only).

7] As such, the remainder amount along with interest shall be transmitted by the Registry of this Court to the learned District Judge, Wardha along with a copy of this order.

8] The learned Advocate for the respondent submits that the respondent is presently suffering from a serious illness and as such, the proceedings before the learned District Judge may be expedited. The learned Advocate for the appellant is agreeable. In the light of the circumstances narrated above, the learned District Judge, Wardha would decide the proceedings after they are registered, on or before 30.4.2020.

(RAVINDRA V. GHUGE, J.)

Tambaskar.