

Chaitali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION IN ARP NO. 1 OF 2022

IN

ARBITRATION PETITION NO. 107 OF 2021

Girish Jamnadas Chandak

...Petitioner

Versus

Maruti Dinkar Kawade

...Respondent

Mr. Sanket S. Bora a/w Aashit Kankariya a/w Vidhi K. Punmiya i/b
SPCM Legal, for Petitioner.

Priyal G. Sarda, for Respondent.

CORAM : R.I. CHAGLA J

DATE : 24TH NOVEMBER, 2022

ORDER :

1. The Petitioner has sought for modification of order dated 20th October, 2021, in particular paragraph 7(ii) of the said order. The contention is that by in paragraph 7(ii) of the said order the other disputes including Suit No. 4778 of 2021 filed by the Respondent in the District Court, Pune against inter alia the Petitioner were to continue and not be affected by this order. This is coming in the way of an application being made by the Petitioner who is the Defendant No.1 in that Suit for referring the subject matter of that suit to

Arbitration under Section 8 of the Arbitration and Conciliation Act, 1996. By virtue of the said order of this court, the District Court, Pune is not entertaining the Application.

2. In my view there are no grounds made for review of the said order dated 20th October, 2021. However, in view of the Application of the Petitioner under Section 8 of the Arbitration and Conciliation Act, 1996 not being entertained by the District Court, Pune by virtue of the said order dated 20th October, 2021 passed in an Application for appointment of Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, it is clarified that the said order will not come in the way of the Application under Section 8 made by the Petitioner in Suit No. 4778 of 2021, before the District Court, Pune.

3. The Review is accordingly disposed of.

[R.I. CHAGLA J.]