

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.181 OF 2022

Neena Naresh Rai ... Petitioner
Vs.
Yashodha Gunduraj Shetty and others ... Respondents

Mr. Anshul Anjarlekar i/b. Raval Shah & Co. for Petitioner.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 14, 2022

P.C. :

. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner is seeking appointment of sole arbitrator in pursuance of the order dated 25.10.2021 passed by the Civil Court at Pune.

2. The said order concerned disposal of an application filed under Section 8 of the said Act. This was in the backdrop of an arbitration clause existing in a Deed of Re-constitution of Partnership dated 01.12.1992.

3. It is an admitted position that after the aforesaid order was passed by the Civil Court at Pune, neither party has actually invoked the arbitration clause for appointment of the arbitrator. In such a situation, the present petition filed under Section 11 of the Act is premature.

4. In this backdrop, learned counsel for the petitioner, on instructions, seeks permission to withdraw the present petition with liberty to file appropriate petition as and when the occasion arises.

5. Petition is disposed of as withdrawn with liberty as aforesaid.

(MANISH PITALE, J.)