

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 576 OF 2022

Rajendra Dinkarraai Parekh

.. Applicant

Versus

Devendra Dinkarraai Parekh & Ors.

.. Respondents

.....

- Mr. Ashok Daver a/w Mr. Rushabh Sheth i/by Mr. Pratik Amin for Applicant
- Mr. Siddharth Khattar a/w Mr. Vinod Sakpal for Respondents

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 19, 2022

P.C.:

1. Heard Mr. Daver, learned Advocate for Applicant and Mr. Khattar, learned Advocate for Respondents.

2. Perused the impugned order dated 14.09.2022. The order has been passed in Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for short “**the Act**”) impugning the order dated 24.01.2018 passed by the learned Arbitrator under Section 17 of the Act rejecting the prayer of the original Respondent (Petitioner herein) to permit him to carry on business in the suit premises during the interregnum.

3. Mr. Daver, learned Advocate for Applicant and Mr. Khattar, learned Advocate for Respondents fairly submitted that much time has passed thereafter and the Arbitration proceedings are virtually in

the process of culmination in as much as on 5th to 8th January, the said proceedings are slated to be heard finally. Both the parties have led substantive evidence pursuant to passing of the order dated 24.01.2018 wherein observations were *prima facie*. In that view of the matter, it would be in the interest of justice and the parties to not dwell and re-agitate the issues in the impugned order. Considering that there will be appreciation of evidence by the Tribunal after passing of the order dated 24.01.2018, no order is required to be passed on the said order in this Civil Revision Application, suffice it to state that the learned Arbitration Tribunal shall not be influenced by the findings in the impugned orders dated 14.09.2022 and 24.01.2018 and shall decide the arbitration proceedings on its own merits strictly in accordance with law.

4. With the above directions, Civil Revision Application is disposed.

[MILIND N. JADHAV, J.]

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