

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

COMMERCIAL ARBITRATION PETITION NO.403 OF 2017

Prakash Annapa Gadiyar

...Petitioner

vs.

Kiran Mahadik

...Respondent

Mr. Anil Yadav, for the Petitioner.

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR

Date: 2022.03.21
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CORAM : N. J. JAMADAR, J.

DATE : MARCH 21, 2022

P.C.:

1. Heard the learned counsel petitioner.
2. The learned counsel for the petitioner seeks a short accommodation.
3. This petition under section 9 of the Arbitration and Conciliation Act, 1996 has been instituted in the year 2017.
4. The learned counsel, upon being inquired, informed the Court that the petitioner has not yet invoked arbitration in terms of the Arbitration Agreement contained in MOU dated 24th July, 2015.
5. In the circumstances, the time lag seems to have taken its toll. No fruitful purpose would be served by entertaining the petition at this length of time. Hence, the petition stands dismissed.
6. Even otherwise, as and when the petitioner invokes the arbitration and desires to seek interim reliefs, appropriate remedy is available under section 17 of the Act, 1996.
7. It is hereby made clear that this Court has not entered into the merits of the matter.

(N. J. JAMADAR, J.)