

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO. 19 OF 2023

WITH

INTERIM APPLICATION NO. 4316 OF 2023

Mr. Lal Nathirlal Aswani & Anr.

...Appellants

Versus

Daulat Nagar Co-op Housing Society Ltd.

...Respondent

WITH

ARBITRATION APPEAL NO. 34 OF 2023

Daulat Nagar Co-op Housing Society Ltd.

...Appellant

Versus

Lal Nathirlal Aswani & Anr.

...Respondents

Mr. Dilip Lal Aswani, Power of Attorney holder of the Appellant party in person in ARA/19/23 and Respondent in ARA/34/23.

Mr. Deepak Chitnis a/w Mr. Abhilesh Chitre, Ms. Simran Jaggi, Ms. Sonali Dalvi, Ms. Rehan Ghajoria i/by Deepak Chitnis Chiparikar & Co. for the Respondent in ARA/19/23.

Ms. Neha Bhide for the Appellant in ARA/34/23.

CORAM : R.I. CHAGLA J

DATE : 11 October 2023

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ORDER :

1. Cross Arbitration Appeals have been filed by the Appellants challenging the order dated 6th March 2023 passed by the Principal District Judge, Thane.

2. By the impugned order, the Application was partly allowed in terms of prayer clauses A to D for a period of 90 days. This period has been continued and is operational till date.

3. The learned Counsel appearing for the parties have agreed to further continuation of prayer clauses A to D granted by the impugned order till disposal of Section 17 Application to be filed by the Appellant/Petitioner in Arbitration Petition No. 203 of 2023 before the Arbitrator appointed by this Court. The Arbitrator shall endeavour to dispose of the Section 17 Application herein expeditiously and in any event, within a period of three months from the date of filing of the Application under Section 17.

4. The Arbitrator appointed by this Court whilst disposing of the Section 17 Application shall not in any manner be influenced

by the observations/findings in the impugned order dated 6th March 2023.

5. All contentions of the parties are kept open to be raised before the appointed Arbitrator.

6. Arbitration Appeals are accordingly, disposed of.

7. Interim Application filed in the above Appeals do not survive and are accordingly, disposed of.

8. Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

[R.I. CHAGLA J.]