

K.S. Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL (ST.) NO.33190 OF 2022

Ashok Bhagwant Jambhulkar & Ors., ... Appellants

Versus

Fullerton Indian Home ... Respondent

WITH
INTERIM APPLICATION NO.13334 OF 2023
IN
ARBITRATION APPEAL (ST.) NO.33190 OF 2022
WITH
INTERIM APPLICATION NO.13333 OF 2023
IN
ARBITRATION APPEAL (ST.) NO.33190 OF 2022

Mr. Shashank Fadia, Advocate for Respondent.

None present for the Appellants.

CORAM : R.I. CHAGLA, J.

DATED : 25TH AUGUST, 2023.

ORDER :

1. The matter has been placed today for dismissal by order dated 7th August, 2023. This Court had noted the submission of the learned Counsel for the Respondent that the Arbitration Appeal had wrongly been filed under Section 37 of the Arbitration & Conciliation Act, 1996. This is in view of the challenge being to Interim Award passed by the Arbitrator and the appropriate remedy being a Petition under Section 34 of the Arbitration and Conciliation Act, 1996. Further, statement had been made by the learned Counsel for the Respondent namely that the Interim Award challenged in the Arbitration Appeal has merged in the final Award dated 24th May, 2021 (the date having inadvertently been mentioned in the said order as '*24th March, 2021*') and the Appeal has become infructuous. The matter had been stood over to be shown under the caption 'for dismissal' as none appeared for the Appellants.

2. In view of there being much merit in the submission of the learned Counsel for the Respondent that the Arbitration Appeal has become infructuous, the Arbitration Appeal is dismissed and disposed of accordingly.

3. The Interim Applications filed therein do no survive and are accordingly disposed of.

[R.I. CHAGLA, J.]