



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1120/2023

M/s Abhishek Plywood and Hardware V M/s Netafim Irrigation India Pvt Ltd

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Apurv De, Adv for petitioner.
Mr. J.B. Kasat, Adv for respondent.

CORAM : AVINASH G GHAROTE J.

DATE : 18-10-2023

Heard learned Counsel for the parties.

ii. The petition challenges the order dated 09-12-22 by which the objections raised by the petitioner judgment debtor under Section 47 of the Code of Civil Procedure to the execution of the award passed in favour of the respondent in arbitration proceedings have been rejected.

iii. Though Mr De, learned Counsel for the petitioner, contends that the impugned order is sans reasoning, it however is a fact that the objections which are sought to be raised regarding the award are those which could have been raised only before passing of the award, and are not the grounds which are permissible to be raised under Section 47 of the CPC, as it is not permissible for the Executing Court to go beyond the award.

iv. In that view of the matter, considering the grounds in the objections, I do not see any reason to permit

them to be entertained under Section 47 of the CPC. The petition is therefore dismissed. No costs.

JUDGE

Deshmukh