

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

WRIT PETITION NO.6078 OF 2023

(Vinod s/o Khushaldas Daryanani Vs. The Nirmal Ujwal Credit Co-operative Society Ltd., Nagpur and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Bhushan Bhedarkar, Advocate for Petitioner.

CORAM: ANIL S KILOR, J.

DATE: 12th SEPTEMBER, 2023.

The order below Exh.14 dated 11.08.2022 passed by the Executing Court in Regular Darkhast No.186/2013, rejecting the objection raised by the petitioner to the execution on the ground that he is not the legal heir of deceased Kumar and despite the same he was made party to the Arbitration proceedings and without issuing notice to the petitioner the award was passed.

2. On a specific query put to the petitioner whether on the ground that he is not the legal heir of deceased Kumar or on the ground that he was not served with notice of Arbitration proceeding and behind the back of the petitioner the award was passed, a challenge was raised to the award before the appellate Court, the answer is in negative.

3. In the circumstances when the award is passed against the petitioner and once the Executing Court has got

satisfied that the petitioner was party to the Arbitration proceeding and award was passed against the petitioner, the objection raised by the petitioner is beyond the scope of jurisdiction of the Executing Court.

4. In that view of the matter, I do not find any error committed by the learned Executing Court in rejecting the objection of the petition. Accordingly, the writ petition is dismissed.

(ANIL S. KILOR, J.)