



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO. 11862 OF 2024

SUNITA JAYPAL NAIK AND ANOTHER
VERSUS
SHRIRAM CITY UNION FINANCE COMPANY LTD THROUGH ITS
AUTHORISED OFFICER AND ANOTHER

...

Advocate for the Petitioner : Mr. Naik Sarvesh Jaipal

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CORAM : ARUN R. PEDNEKER, J.

DATE : 22nd OCTOBER, 2024

PER COURT:

1. Heard.
2. The learned counsel for the petitioners submits that there is unilateral appointment of the arbitrator by the respondent and that award passed by the arbitrator appointed by the respondent is bad in law. The learned counsel submits that no notice invoking arbitration clause (if any) in the loan contract was served upon the Petitioners. He submits that the award passed by the arbitrator is ex faice illegal, as no notice was served upon the petitioners, so also, he submits on the deposit of Rs.8,00,000/-, which is the loan taken by the petitioners, the execution proceedings be stayed. The learned counsel agrees to deposit the amount of Rs.8,00,000/- before this court today itself.

3. The learned counsel for the petitioners submits that the Demand Draft of Rs.8,00,000/- bearing no.960494 in the name of Registrar, High Court, Bench at Aurangabad is ready and that he would deposit the same in the Registry today itself.

4. Liberty is granted to the learned counsel for the petitioners to deposit the Demand Draft in the Registry.

5. On deposit of above noted Demand Draft in the Registry, the execution proceeding in Regular Darkhast (Arbitration) No.225/2020 shall remain stayed.

6. Issue notice to the respondents, returnable on 17.12.2024.

7. Stand over to 17.12.2024.

[ARUN R. PEDNEKER, J.]

marathe