



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.135 OF 2021

Cogent Enterprises Ltd.

...Petitioner

Versus

Sonender Kumar & Anr.

...Respondents

Mr. Shashank Mangle, for the Petitioner.**Mr. Siddharth A. Mehta, with Ms. Samridhi S. Jain, for the**
Respondents.

CORAM Dr. Neela Gokhale, J.**DATED: 10th January 2024****PC:-**

1. By order dated 1st December 2023, the Petitioner was granted a last opportunity to file rejoinder. It was specifically noted that if on the adjourned date of hearing, the Petitioner does not proceed with the matter, the Court will consider dismissing the petition.

2. This order was passed on the basis of the record which indicated that sufficient opportunities were given to the Petitioner to file his rejoinder and proceed with the matter. In fact, on the previous date, it was submitted by the learned counsel for the Petitioner that the Petitioner has discharged his earlier advocate and that he now represented the Petitioner. Today, when the matter was

called out, counsel for the Petitioner again seeks discharge as an advocate of the Petitioner on the ground that his name was mentioned by the Petitioner in the petition as a suggested arbitrator.

3. The facts in the matter clearly indicated that conduct of the Petitioner is not *bona fide*. Successive discharge of counsel by the Petitioner indicates that the Petitioner is not inclined to proceed with the petition and is simply delaying the matter for reasons best known to him.

4. Ms. Mehta, learned counsel for Respondents states that in fact the matter has been settled and the settlement agreement has been placed on record along with affidavit in reply filed by her.

5. In this view of the matter, I do not see any reason to grant any further indulgence to the Petitioner.

6. The petition is dismissed with cost of Rs.2,000/- to be paid to the Kirtikar Library by the Petitioner. The cost will be deposited within a period of one week from today.

7. The petition is dismissed.

(Dr. Neela Gokhale, J)