

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION APPEAL NO. 56 OF 2023

Ali Akbar Jafari

.. Appellant

Versus

Nikkita Builders and Developers
through its Partners Shri Mukesh
Kimtani

.. Respondent

...

Dr. Uday P. Warunjikar i/b Mr.Siddhesh Pilankar for the
appellant.

Mr. L.M. Acharya with Mr.Anish Khandekar for the respondent.

CORAM: BHARATI DANGRE, J.

DATED : 2nd JANUARY 2024

P.C:-

1 Appeal styled as an Appeal u/s.37 of the Arbitration
and Conciliation Act, 1996, is filed seeking ad-interim measures
in the wake of the Arbitral Award which is passed on 12/2/2019.

It is informed that a Section 34 Petition is pending
before the Addl. District Judge-2 and Addl. Sessions Judge, Pune.
Mr.Acharya, the learned counsel representing the respondent
raise a preliminary objection about the maintainability of the
present proceedings and particularly, when according to him, as
per the roznama of the proceedings pending before the Addl.
Sessions Judge, Pune, the Appeal is now scheduled on 4/1/2024.

He has placed before me the order dated 24/12/2023, which clearly indicate that the Application for production of documents has been allowed and the documents are filed.

The matter is now slated for arguments of the applicant's Advocate on 4/1/2024.

Mr.Warunjikar only expresses an apprehension that the proceedings may not move ahead, as has happened in the past.

Though his anxiety is appreciated, it is expected that the Addl. Sessions Judge, Pune would do the needful on 4/1/2024, as it is already indicated that the arguments of the Advocate shall be heard on the said date.

In the wake of the above, Mr.Warunjikar seek withdrawal of the Appeal.

Needless to state that upon the proceedings being fixed on 4/1/2024, the Addl. Sessions Judge shall hear the arguments of the respective counsel and pass appropriate orders within the permissible time frame with an understanding that it shall be expeditious.

(SMT. BHARATI DANGRE, J.)