



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

CIVIL APPLICATION (CAW) NO. 1896 OF 2024

IN

WRIT PETITION NO. 997 OF 2018

Ms/ Green City Builders & Ors.

Vs.

Rajendra Vishwanat Choudhary & Anr.

Office Notes, Office Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders of directions
and Registrar's orders

Mr. S. Zia Quazi, Advocate for the Petitioners.

Mr. Prasad Gupta, Advocate h/f. Mr. Abhijeet Khare, Advocate for Respondent
Nos.1 & 2.

CORAM : G. A. SANAP, J.

DATED : 25th JULY, 2024.

. Learned advocate for the petitioners submits that, against the impugned order, which was passed under Section 8 of the Arbitration and Conciliation Act, 1996 (for short, "the Act of 1996"), an appeal lies. It is submitted that, on account of some misconception, the writ petition has been filed. He has made this application for converting the writ petition into an appeal under Section 37 of the Act of 1996.

2. In order to seek support to his contention that such a course of conversion would be in the interest of the parties and to avoid another round of litigation, he has relied upon a decision in the case of *Raj Shri Agarwal @ Ram Shri Agarwal & Anr. Vs. Sudheer Mohan & Ors. [Civil Appeal No.7266/2022 arising out SLP (C) 14102/2022, decided on 13th October, 2022]*. In this case, the Hon'ble Apex Court has held that, in such a case, in order to avoid further multiplicity of the

proceeding, the conversion of the proceeding from one category to another category may be granted.

3. In view of this position, in order to avoid multiplicity of the proceeding and unnecessary harassment to both the parties, it would be just and proper to grant the prayer. Accordingly, the application is allowed.

4. The writ petition is allowed to be converted into an appeal under Section 37 of the Act of 1996.

5. The application stands disposed of accordingly.

6. Registry to take steps.

7. List this matter on 8th August, 2024, for final hearing.

(G. A. SANAP, J.)

Vijay