



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 WRIT PETITION NO. 13781 OF 2023

**SATHE CONSTRUCTION PVT LTD
THROUGH ITS PROP SHIVRAM KONDAJI SATHE
VERSUS
EXECUTIVE ENGINEER MAHARASHTRA
JIVEN PRADHIKARAN AND OTHERS**

...

**WITH
WRIT PETITION NO. 13780 OF 2023**

.....

Advocate for the Petitioner : Mr. Narwade Vinayak P
AGP for Respondent/State : Mr. R.B. Dhaware
Advocate for Respondent No.1 to 4: Mr. A. G. Vasmatkar

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**CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 09.12.2025**

PER COURT :

. Heard learned counsel for respective parties.

2. In both these petitions, the petitioners are assailing the orders dated 28.06.2023 passed below Exhibit-62 by learned Joint Civil Judge Senior Division, Tq. Sangamner, Dist. Ahmednagar in Spcl. Civil Suit No.55 of 2009 and Spcl. Civil Suit No. 61 of 2009 whereby, the applications filed by petitioners/original plaintiffs for referring the matter to arbitration came to be rejected.

3. The learned counsel for the petitioners submits that considering the issue involved in the petitions and the issue of uncertainty of time which might be required to decide the suits, the plaintiffs filed an

application for referring the same to the arbitrator as per the tender form.

4. I have gone through the order passed by the learned trial court and the reasons recorded therein. The learned trial court has recorded the findings that there was no any arbitration clause and as far as Section 89 of C.P.C is concerned, both the parties must give consent for referring the matter to alternate dispute resolution. As the other party has refused to give consent, the learned trial court has rightly rejected the application.

5. Considering the above observations, I do not find any reason to interfere with the order dated 28.06.2023 passed below Exhibit-62 by learned Joint Civil Judge Senior Division, Tq. Sangamner, Dist. Ahmednagar in Spcl. Civil Suit No.55 of 2009 and Spcl. Civil Suit No. 61 of 2009 under Article 227 of the Constitution of India.

6. In view thereof, the Writ Petition is dismissed. No order as to costs.

7. As the suits pertain to the year 2009, the trial court is directed to decide the said suits within a time period of six months from today.

(SIDDHESHWAR S. THOMBRE, J.)

vsj..