



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 464 OF 2024

1. Sanjay Ganeshlal Bhansali
Age : 56 years, Occu – Agril. & Business
Mob.9423141979
2. Sou. Suman W/o Sanjay Bhansali,
Age – 53 years, Occu. - Agril,
Both R/o. - Ajay Nagar, Hingoli,
Tq. & Dist. Hingoli
3. Prakash S/o Bhaurao Ghumnar
Age : 54 years, Occu – Agril,
R/o.- Kalgao, Tq. & Dist. Hingoli, ...Petitioners

VERSUS

1. Manager @ Project Manager
Indarkumar Pande, Monto Karlo Co Ltd.
Malhivra campus, Hingoli,
Mo.No.8080734021.
2. Main Vyavasthapak,
Monto Karlo Co. House
Sindhu Bhavan Rad, Bodakdev,
Ahemadabad (Gujrat) ...Respondents

...
Mr. A M. Gholap h/f. Mr. G. C. Navandar, Advocate for the Petitioners
Mr. M. R. Puranik & Mr. B. S. Dhawale, Advcoate for Respondent
Nos.1 and 2.

...

CORAM : ROHIT W. JOSHI, J.
DATED : 24th JUNE 2025

JUDGEMENT :-

1. The learned Joint Civil Judge, Junior Division, Hingoli while

upholding objections raised by the defendants in Regular Civil Suit No.200 of 2022 in relation to existence of arbitration agreement warranting reference of the dispute to arbitration in view of Section 8 of the Arbitration and Conciliation Act, 1996 has held that there is a valid arbitration agreement between the parties and the dispute is also arbitrable.

2. Having so held, the learned Judge has proceeded to dismiss the suit rather than referring the parties for arbitration as per Section 8 of the Act. The petitioner/original plaintiff is aggrieved by the said order.

3. Having regard to the relevant statutory provisions, this Court is of the opinion that the learned Judge has erred in dismissing the suit. The order dated 25.04.2023 is accordingly quashed and set aside and the parties are referred for arbitration of the dispute as per Section 8 of the Act.

4. Writ Petition is disposed of accordingly.

[ROHIT W. JOSHI, J.]