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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 262 OF 2025

Jayraj Jayant Salgaonkar & Anr.

... Petitioners

Vs.

Jayanand Jayant Salgaonkar & Anr.

.. Respondents

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**Mr. Rajendra Pai, Senior Advocate** *a/w. Priyanka Rammurthy, Varad Jadhav, Prajakta Shringarpure and Omkar Kalundrekar i/b Bina R. Pai, for Petitioners.*

**Mr. Yatin R. Shah** *a/w. Aditi Bhat and Ravi Gurupag, for Respondent No. 1.*

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**CORAM : SOMASEKHAR SUNDARESAN, J.**

**Date : August 1, 2025**

**Order :**

1. This is a Petition under Section 37 of the Arbitration and Conciliation Act, 1996 (*“the Act”*).

2. After the matter was argued for some time, when it fell from the Court that *prima facie* a challenge of this nature would not lie within the contours of the Section 37 of the Act, Learned Senior Counsel on behalf of the Appellant sought time to take the instructions in the matter.

3. Today, when the matter is called out, it is stated that the Petitioner has given instructions to withdraw the Appeal without prejudice to his rights to take out such further applications, including applications with better explanations for summoning the witnesses that he desires summoned. Since this Court has only gone into the jurisdictional question, no view is expressed on the merits of whether or not the Tribunal was right or the Petitioner was right in respect of summoning of the witnesses sought.

4. The withdrawal of this Petition shall not erode the Petitioner's position on merits, should this issue come up in future at any stage of the arbitration proceedings including a challenge, if any, that becomes necessary for the final arbitral award.

5. The Petition is *disposed of* as *withdrawn* in the aforesaid terms.

6. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[ SOMASEKHAR SUNDARESAN, J.]