



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

WRIT PETITION NO.364 OF 2026

ANITA SUDHIR DONGARE AND OTHERS

VERSUS

ABHYUNDAYA CO-OPERATIVE BANK LTD., THR. AUTH. OFFICER,
MUMBAI

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Shamish Agrawal, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 16th JANUARY 2026

1. Heard learned Advocate for the petitioners.

2. By this petition, the petitioners have challenged the Award dated 15.01.2021, passed by Arbitrator and the consequential orders passed in the execution of the said Award, which are at Annexures - 'G, H, K, L.

3. The primary contention of the petitioners is that the impugned Award is nullity in law being passed in absence of any disclosure under Section 12(1) of the Arbitration and Conciliation Act, 1996 (for short, "Arbitration Act"). Learned Advocate for the petitioners submits that the Arbitrator was unilaterally appointed in breach of provisions of Section 11 and 12 of the Arbitration Act and the Arbitrator's Award is an ex-parte Award without serving any notice of the proceedings upon the petitioners. He submits that the petitioners have raised objection in the execution proceedings pointing out gross illegalities and the contentions about the Award being a

nullity, however, same is rejected by impugned orders dated 07.10.2024 and 28.03.2025, which are impugned in the instant petition. He submits that, based on the impugned Award and the consequent orders, the property belonging to the petitioners is put to sale and the process will start from today itself and therefore, prays for interim relief. He, on instructions, submits that the outstanding amount is of about Rs.43 Lakhs as on today, against the loan which was advanced to the petitioners.

4. Having regard to these contentions, issue notice to the respondent, returnable on 30th January 2026.

5. The petitioners are permitted to serve the respondent by private mode, in addition to regular mode of service, including service on the learned Advocate appearing on behalf of the respondent before the executing court and file affidavit of service in that regard by next date.

6. Having regard to the contentions canvassed, subject to the petitioners depositing 50% of the outstanding amount, before the executing court, within a period of two weeks from today, the execution proceedings vide Arbitration R.D. No.1240 of 2021, pending before District Judge-12, Nagpur, shall remain stayed.

7. On failure of the petitioners in depositing the amount within the time granted, the petition be listed for vacating the stay.

(PRAFULLA S. KHUBALKAR, J.)