

(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.  
IN THE HIGH COURT OF BOMBAY AT GOA  
APPELLATE SIDE

APPEAL UNDER ARBITRATION ACT NO.2/1999

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Office Note, Office Memoranda  
of Quorum, appearances, Court's  
orders or directions and  
Registrar's orders.

Court's or Judge's Orders

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Mr. A.N.S. Nadkarni, Advocate  
General with Mr. H.D. Naik, Addl.  
Govt.Advocate for the Appellants.

Mr. V.B. Nadkarni, Senior Advocate  
with Mr. M.S. Sonak, Advocate for  
the Respondents.

CORAM : S.A. BOBDE &  
N.A. BRITTO, JJ.

DATE : 28TH JUNE, 2004.

P.C.:

Heard both sides.

After hearing the matter for  
some time we deem it expedient and  
in the interest of justice to pass  
the following order consented to by  
both sides:

a) The impugned judgment and  
order dated 31.12.1998 passed by the  
learned Civil Judge, Senior  
Division, Vasco-da-Gama, is hereby  
quashed and set aside.

b) The matter is remitted back to the file of the learned Civil Judge, Senior Division, Vasco-da-Gama, who shall hear both the matters i.e. award being made Rule of the Court and the application for setting aside the Award and dispose off the same as expeditiously as possible.

c) All contents of the parties including preliminary objections raised by the Respondent herein are left open.

d) Liberty to the parties to decide on the proposal for fresh arbitration as suggested by the Respondents herein. In the event the parties during the course of hearing before the learned Trial Judge agree to refer the matter for a fresh arbitration, then in that event matter on the file of the learned Civil Judge, Senior Division, Vasco be filed.

e) Failing (d) above, learned Judge shall hear and dispose off the matter preferably within a period of one year from the date of receipt of R & P from this Court.

Appeal stands disposed of as per the abovesaid terms. No order as to costs.

S.A. BOBDE, J.

N.A. BRITTO, J.

sl.