

CNR No. MHST 0500 0857 2024

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.1 IN A.R.D. No.373/2024

M/s. Cholanmandalam Investment & Finance Co. Ltd.	...D.H.
<i>Versus</i>	
1. Mr.Sambhaji Shamrao Yadav & Anr.	...J.D.'s

Advocate Mr. Y. V. Salunkhe for the D.H.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 28/04/2026

ORAL ORDER :

The present execution petition is filed for enforcement of arbitral award passed by Sole Arbitrator. In view of the law laid down by the Hon'ble Supreme Court in the case of Bhadra International (India) Pvt. Ltd. v. Airport Authority of India, and Hon'ble Bombay High Court in the case of L. and T. Finance vs. Sangita Bhansali, even at the stage of execution, the Court is required to examine whether the award is a nullity on account of ineligibility of the arbitrator under Section 12(5) of the Arbitration and Conciliation Act, 1996.

Therefore, before proceeding with coercive steps, the Decree Holder shall satisfy maintainability of the present Execution Petition in light of the the guidelines given in the aforesaid cases and on following points-

- (i) The manner and procedure by which the Sole Arbitrator was appointed and
- (ii) Whether such appointment was in conformity with Section 11 and Section 12(5) of the Arbitration and Conciliation Act, 1996 read with schedule VII.

Date : 28/04/2026.
Place-Karad.

[S. B. Todkar]
Civil Judge S.D. Karad.