

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION APPEAL (ST.) NO.28865 OF 2015
WITH
CIVIL APPLICATION NO.45 OF 2015

Mr. Maruti Ramchandra Chachar Appellant
 Vs.
Mrs. Kalpana Uttam Chachar Respondent

Mr. Unmesh Dindore, Advocate for the Appellant.

Mr. Vishal Kanade i/by Mr. Satish Raut, Advocate for the Respondent.

Coram : **Smt. R.P. SondurBaldota, J.**
Date : 23rd October, 2015

P.C. :

1 This appeal is preferred against the interim order passed by the District Court, Pune under Section 9(ii)(d)(e) of the Arbitration and Conciliation Act, 1996. The order restrains the appellant from obstructing or restricting the entry of the respondent into the premises of the partnership firm i.e. M/s Precision Engineering Industries, Plot no.15-B/4, D-1 Block, MIDC, Chinchwad, Pune – 411 019 and to restrain the appellant from obstructing the respondent from participating in the business of the partnership firm i.e. M/s Precision Engineering

Industries. The order further directs that if the premises of the partnership firm is locked, then the respondent with the help of local police authorities, is entitled to remove the lock and enter into the said premises.

2 There is no dispute that the appellant and the respondent are the partners of the partnership firm, M/s Precision Engineering Industries, carrying out business from the above premises. There is also no dispute that the partnership firm is not formally dissolved. Apparently, over the disputes that arose between the partners, the document of partition came to be executed on 20th February, 2011 recording certain terms. One of the terms under that deed, of payment of Rs.52,00,000/- to the respondent was not complied with by the appellant. Consequently in the month of October, 2012, another partition deed was executed between the parties arriving at different terms. It is agreed thereunder that the partnership business, the property and the premises would be divided between the parties, as recorded in the deed. Thereafter the partnership premises were divided and a wall constructed for the purpose of completing the division. The respondent alleges that the appellant has since broken the partition wall and started using the entire premises and thereby prevented her entry into the premises, which was in her possession. The impugned order holds that since the partnership firm is not dissolved, the appellant cannot prevent the entry of the respondent into the

premises of the partnership. There is no infirmity whatsoever with the view taken by the District Court, as admittedly there is no dissolution of the partnership firm. Besides the order being only an interim order, requires no interference by this court. Hence, the appeal is dismissed. The office to number the appeal if not already numbered.

3 In view of the disposal of the Arbitration Appeal, the Civil Application for interim relief therein does not survive, the same is accordingly disposed off.

(Smt. R.P. SondurBaldota, J.)