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

ARBITRATION PETITION NO.220 OF 2015

Parle Global Technologies Pvt. Ltd.	...Petitioner
V/s.	
Anthony M. Thambiraj	...Respondent

Mr.Mayur Khandeparkar i/b M/s.Thakore Jariwala & Associates for the Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 25TH JUNE, 2015.

P.C. :-

1. Mr.Khandeparkar, learned counsel for the petitioner states that three attempts were made to serve the respondent the proceedings as well as notice to remain present but the respondent has refused to accept the service. The petitioner has already filed affidavit of service in this regard in this proceedings.

2. None appeared for the respondents. No affidavit in reply has been filed. By this petition filed under section 9 of the Arbitration & Conciliation Act, 1996, the petitioner has prayed for temporary order and injunction restraining the respondent through himself, his servants and agents and any person claiming through or under from acting in any manner contrary to the terms and conditions of

Takeover of Business Agreement dated 23rd January, 2006 along with Non Compete Agreement dated 23rd January, 2006 executed between the petitioner and the respondent and for other reliefs.

3. On 3rd March, 2015, this Court has granted *ad-interim* measures and directed the respondent not to carry out any business activity in connection with the products set out in Annexure – B to the Take Over of Business Agreement dated 25th January, 2006 save and except through the petitioner. Since no affidavit in reply has been filed, the averments made in the petition are deemed to have been admitted.

4. Learned counsel for the petitioner also invited my attention to the averments in paragraphs 15 to 20 of the arbitration petition and submits that for the purpose of making illegal profit, the respondent has been dealing in the business of manufacturing and/or sale of machineries, which is prescribed under the Non Compete Agreement. He submits that in view thereof, the respondent shall be also directed to render true faithful accounts and furnish the details as prayed in prayer clauses (a) and (b) of the petition.

5. In my *prima-facie* view, the case is made out by the petitioner for confirmation of the ad-interim order passed by this Court on 3rd March, 2015 and also for the reliefs in prayer clauses (b) and (c). I therefore, pass the following order :-

a). The petition is made absolute in terms of ad-interim order dated 3rd March, 2015. The petitioner is also granted reliefs in terms of prayer clauses (b) and (c). The respondent is directed to comply with the directions granted under prayer clauses (b) and (c) by furnishing the details. The petitioner is directed to convey this order to the respondent. It is made clear that in addition to the communication of this order by RPAD, the petitioner is also permitted to serve by publication of the order in the two local newspapers where the respondent's office is situated.

b). The arbitration petition is disposed of in the aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)