

vai

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

ARBITRATION PETITION NO.475 OF 2015

Kuoni Travel (India) Pvt. Ltd.

...Petitioner

V/s.

Sachin Jain

...Respondent

Mr.Naushad Engineer with Ms.Kirtida Chandrana and Ms.Smiti Tewari i/b Mahernosh Humranwala for the Petitioner.

Mr.Girish Agarwal i/b M/s.Purohit & Co. for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 25TH JUNE, 2015.

P.C. :-

1. By this petition filed under section 9 of the Arbitration & Conciliation Act, 1996, the petitioner seeks an order and injunction against the respondent from directly or indirectly engaging in, participating, carrying on, dealing with or otherwise in any other manner whatsoever whether as a partner, employer or shareholder or otherwise in any other capacity whatsoever any business which is or will be in competition with the petitioner's business while the franchisee agreement is in subsistence and also seeks an order and injunction from disclosing information about the petitioner's activities, including all business, financial, technical and any other information

which is confidential in nature.

2. The petitioner has highlighted such confidential information in paragraph 24 of the petition. No affidavit in reply has been filed by the respondent, though served. By a reasoned ad-interim order passed by this Court on 16th February, 2015, this Court has granted various interim measures in favour of the petitioner by way of order of injunction, as prayed in prayer clause (a) (i) and (ii).. Since no affidavit in reply is filed, the averments made in the petition are deemed to have been admitted.

3. The arbitration petition is accordingly made absolute in terms of the *ad-interim* order passed by this Court on 16th February, 2015. No order as to costs.

(R.D. DHANUKA, J.)