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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.468 OF 2015

Blase Martin D'Souza And Anr. ... Petitioners

Vs.

Palava Dwellers Pvt. Ltd. And 4 Ors. ... Respondents

....

Mr. Vivek Patil a/w. Mr. Sandesh Godse, i/b. Vivek Patil And Associates,
for the Petitioners.

Mr. Amit Devkaran Kanani, for Respondent Nos. 1 to 5.

....

CORAM : S.C. GUPTE, J.

DATED : MARCH 27, 2015

P.C. :

. This is an Arbitration Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of a Court Receiver in respect of the suit flat. The disputes between the parties arise out of an agreement for sale dated 10 June 2014 registered with the Sub-Registrar of Assurances. It is the Petitioners' case that, despite paying practically the entire consideration, leaving aside the last installment, which is admittedly due and payable only at the time of handing over of possession of the suit flat, the Respondents are not offering to put the Petitioners in possession of the suit flat. Learned Counsel for the Respondents submits to the Court that the Respondents undertake to put the Petitioners in possession of the suit flat on or before 30 June 2015. That statement is accepted. Whilst the Petitioners are

agreeable to the possession being handed over on or before 30 June 2015, the learned Counsel for the Petitioners submits that since Petitioners have to carry out the work of fit outs in the suit flat, they may be permitted to take inspection, photographs, measurements, etc. In response, learned Counsel for the Respondent submit that, at present, work of preparation and cleaning, etc. is going on both in respect of the access to the suit building as well as the flats therein and that this may take at least a couple of weeks. Respondents are directed to permit the Petitioners to take inspection, measurements and photographs of the suit flat to make fit-outs and interior work after a period of three weeks from today. The Arbitration Petition is disposed of in the above terms.

(S.C. GUPTE, J.)