

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

CHAMBER SUMMONS NO. 495 OF 2013
IN
EXECUTION APPLICATION NO. 1065 OF 2012
IN
AWARD DATED 31/2008

Asset International
(A Division of Aptech Ltd. Co.)
In the matter of:

.. Applicants

M/s Universal Computers
Vs.

... Applicant

Asset International

.. Respondents

...

Mr. Jayesh Mestry i/b. M/s. RMG Law Associates for Applicant.
Mr. Inderpal Singh Nirmale for respondent in Chamber Summons
and for petitioners in original arbitration application.

CORAM : A. K. MENON, J.
DATE : AUGUST 24, 2015.

P.C.:

This Chamber Summons is taken out by the respondents in the execution proceedings arising out of arbitration proceedings, seeking setting aside of the execution proceedings and for staying the same for refund of an amount of Rs.10,01,885/- said to have been deposited by the applicants herein (respondents in arbitration proceedings) with the Sheriff of Mumbai in the

process of execution.

2. Today, I am informed that although the respondents in the arbitration proceedings have deposited a cheque for Rs. 10,01,885/- with the Sheriff of Mumbai, it seems that they had also filed an Arbitration Petition in this Court under section 34 of the Arbitration and Conciliation Act, 1996, being Arbitration Petition No. 743 of 2013. By the judgment dated 21/07/2015 passed in Arbitration Petition No. 743 of 2013 the impugned award dated 31/03/2008 has been declared null and void and has been set aside. The Arbitration Petition, therefore, was disposed of.

3. In view of this development, the attachment levied pursuant to the award dated 31/03/2008, cannot survive. The Chamber Summons is, therefore, allowed in the following terms:

(i) The attachment levied by the Sheriff of Mumbai on 12/04/2013 stands withdrawn and set aside.

(ii) Execution Application bearing no. 1065 of 2012 is dismissed. Warrants of attachment are discharged.

(iii) The Sherrif of Mumbai to act on an ordinary copy of this order duly authenticated by the Registry of this Court.

(A. K. MENON, J.)