

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1116 OF 2015

M/s.Manas Construction

..... Petitioner

VERSUS

L & T Finance Limited & Anr.

..... Respondents

Mr.J.N.Singh, a/w. Ms.Jaymala Ostwal, Ms.Prachi Podve for the Petitioner.

Ms.S.I.Joshi, a/w. Ms.Nikita Pawar, i/b. S.I.Joshi & Co. for the Respondent No.1.

CORAM : R.D. DHANUKA, J.

DATED : 30th SEPTEMBER, 2015

P.C.

By this petition filed under section 9 of the Arbitration and Conciliation Act, 1996, the petitioner seeks appointment of the Court Receiver in respect of the assets/equipments with a direction to take possession of the property of the said asset/equipments and for injunction.

2. The respondent no.1 to this petition has filed affidavit in reply on 5th May, 2015 and has averred that the asset has been already sold on 25th March, 2015 and the present petition has become infructuous.

3. Learned counsel appearing for the petitioner states that the asset has not been sold and the respondent no.1 has filed a false affidavit in this court. The learned counsel however is not able to point out where the location of the asset is to test the correctness of the statement made. I am thus inclined to accept the submission made by the respondent no.1 in paragraph (6) of the affidavit in reply that the asset has been sold. If it is found that the the respondent no.1 has made

any incorrect and false statement, the petitioner can file an appropriate proceedings for making any such false and incorrect statement by the respondent no.1 before this court. In my view the petition has become infructuous and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed order.