

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 180 OF 2015

Madhubhai B.Kocha & Ors.

..... Petitioners

VERSUS

Ramesh N.Pardiwala & Ors.

..... Respondents

Mr.Simil Purohit, i/b.Kanga & Co. for the Petitioners.

Mr.S.R.Rawal for Respondent Nos. 1 to 4.

Mr.K.R.Shekhawat for Respondent Nos. 5 to 8.

Mr.Nakul Jain, i/b. Maniar Srivastava Associates for Respondent Nos. 9 to 11.

CORAM : R.D. DHANUKA, J.

DATED : 4th AUGUST, 2015

P.C.

By consent of the parties, following order is passed :-

1. Mr.Justice M.G.Gaikwad, former Judge of this court having his office at 104, Biry House, 1st Floor, 265, Perin Nariman Street, Near Punjab National Bank, Fort, Mumbai 400 001 is appointed as the sole arbitrator in place and stead of Mr.Justice J.P.Devadhar (Retd.).
2. The parties agree that the present proceedings shall stand converted into application under section 17 of the Arbitration and Conciliation Act, 1996, for adjudication by the learned arbitrator.
3. Petitioners nos. 1 to 4 agree that they will pay a sum of Rs.8,41,251/- towards their share of maintenance and other statutory dues in respect of the premises occupied by them in

the building Aakar, situate at Plot No.49, Road No.11, JVPD Scheme, Vile Parle (West), Mumbai 400 049 for a period from April 2013 upto date, within a period of two weeks from today.

4. The parties agree that further amounts if any, claimed by respondent no.1, from the petitioners for the aforesaid period mentioned in clause 3 above as also correct amount payable by the petitioners towards their share of maintenance and other statutory dues for the aforesaid period shall be subject to the directions of the learned arbitrator.

5. It is agreed that the ad-interim order dated 17th July, 2015 passed by this court to continue for a period of three months from today. The petitioners would be at liberty to apply for continuation of the ad-interim order whereas the respondents would be at liberty for vacating the said order.

6. Learned arbitrator is requested to dispose of the proceedings expeditiously.

7. Parties have agreed that this order is without prejudice to the rights and contentions of both parties and all contentions raised by them excluding the existence of arbitration agreement and about the name of the learned arbitrator are kept open.

2. Arbitration application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]