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

ARBITRATION PETITION NO.1044 OF 2015

Tata Capital Housing Finance Ltd.	...Petitioner
V/s.	
Ashish Gutpa & Anr.	...Respondents

Mr.Nilesh Gala i/b Law Square for the Petitioner.
None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 9TH SEPTEMBER, 2015.

P.C. :-

1. This petition is filed by the petitioner under section 9 of the Arbitration and Conciliation Act, 1996 (for short "Arbitration Act") for seeking reliefs as prayed against the respondents.
2. Learned Counsel appearing for the petitioner states that the respondents are served and tenders affidavit of service. None appeared for the respondents though served. No affidavit in reply has been filed.
3. In view of the order passed by this Court in Arbitration Petition No.885 of 2015, thereby appointing the Court Receiver in respect of the mortgaged property, the Court Receiver in respect same property which is the subject matter of this proceeding is not warranted. If any order passed in the said arbitration petition is

vacated for any reason, the petitioner would be at liberty to seek appointment of the Court Receiver and other interim measures in respect of the said property by filing a fresh petition in respect of the loan which is the subject matter of this petition. The petitioner however, has made out a case for an order directing the respondents to disclose the assets of the respondents whether encumbered or unencumbered, whether movable or immovable. Such affidavit of disclosure shall be filed within three weeks from the date of communication of this order. A copy of such affidavit shall be served upon the petitioner's advocate simultaneously.

4. The arbitration petition is disposed of in the aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)

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