

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

APPEAL NO.675 OF 2014
WITH
NOTICE OF MOTION NO.288 OF 2015
AND
NOTICE OF MOTION NO.284 OF 2015
IN
NOTICE OF MOTION NO.288 OF 2015
IN
APPEAL NO.675 OF 2014

Mrs.Gulshan Rohinton Irani	Appellant
versus	
Deenyar Sheriar Jehani and others	Respondents

Mr.Shiraz Rustomjee, Sr.Advocate with Mr.Sharan Jagtiani, Shreya Parikh and Pradeep Ramchandani for Appellant.
Mr.Dinyar Madon, Sr.Advocate with Mr.Sarosh Bharucha, Ms.Lara Jesani, Mr.S.M.Algaus i/by M.Mulla Associates for Respondent nos.1 to 5.
Mr.H.S.Venegaonkar, Additional G.P. for State.
Mr.A.B.Valanju, Senior Clerk, from the office of Registrar of Firms, is present.

CORAM : MOHIT S. SHAH, C.J. AND
A.K.MENON, J.

DATE : 16 July 2015

PC :

This appeal under section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act") is

directed against the order dated 22 August 2014 of a learned Single Judge of this Court rejecting the appellant's petition under section 9 of the Act. The dispute pertains to the business and assets of the firm M/s.Leopold Cafe and Stores.

2. This appeal was heard on previous occasions and the learned counsel for the parties state that the parties have now agreed to an arrangement, which should prevail during pendency of the proposed arbitration proceedings. The parties also agree to have the disputes between the parties referred to the sole arbitration of Mr.Justice F.I.Rebello, a former Judge of this Court, wherein respondent no.6 shall be the claimant and respondent nos.1 to 5 shall be the respondents. It is also agreed between the parties that respondent nos.1 to 5 shall be entitled to file a counter claim, if so advised.

3. Learned counsel for the parties have also placed before us the Minutes of Order dated 16 July 2015 signed by the advocate for the appellant, the advocate for respondent nos.1 to 5 and respondent no.6 who appears in person and who is identified by learned counsel for the appellant. The signed Minutes of Order dated 16 July 2015 is taken on record and marked "X" for identification. The appeal is disposed of in terms of the said signed Minutes of Order.

4. It is also required to be noted that the partnership firm M/s.Leopold Cafe and Stores is a partnership firm already registered with the Registrar of Firms but the names of present partners have not been updated in the register maintained by the Registrar of Firms, who is respondent no.7 herein.

5. The parties agree that the names of the present partners with their respective shares in the partnership firm, as reflected in paragraph no.5 of the Minutes of Order dated 16 July 2015, be updated as partners of the partnership firm M/s.Leopold Cafe and Stores and that the signed Minutes of Order dated 16 July 2015 be treated as an application to the Registrar of Firms, respondent no.7 herein.

6. The Registrar of Firms, respondent no.7. herein, shall take all necessary steps on the basis of above signed Minutes of Order dated 16 July 2015 and shall convey to the firm whether any fee, charges and/or penalty is required to be paid to the office of Registrar of Firms. This shall be done on or before 23 July 2015 and thereafter the partnership firm shall pay the necessary fee, charges and/or penalty on or before 3 August 2015. By this date, the partnership firm shall give the dates with effect from which the concerned persons in table-1 in paragraph 5 of the Minutes of Order became partners in the partnership firm and also furnish the death certificates for the partners who have died and whose names are mentioned in the

table-2 in paragraph 5. Upon such compliances, the Registrar of Firms shall make necessary entries in the registrar being maintained by him within three weeks.

7. This order is passed in the presence of learned counsel for the parties including learned AGP and respondent no.6 who appears in person.

8. Appeal No.675 of 2014 is disposed of in terms of the signed Minutes of Order marked "X" with no order as to costs. Notices of Motion Nos.288 of 2015 and 284 of 2015 stand disposed of with no order as to costs.

(CHIEF JUSTICE)

(A.K.MENON, J.)