

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

ARBITRATION PETITION NO.1066 OF 2016

Ashit Pratapchand Shah ... Petitioner
and
Atul Pratapchand Shah and Ors. ... Respondents

**WITH
SUIT NO.468 OF 2016
WITH
NOTICE OF MOTION NO.1548 OF 2016
AND
SUMMARY SUIT NO.656 OF 2014**

Mr. Amit I. Sheth, for Petitioner.

mr. Karl Tamboly with Ms. Spardha Sharma, Ms. Deepa Bisht i/by Mr. Tushar Goradia, for Respondent Nos.1 and 2.

Mr. Aamir Aarsiwala i/by Ms. Mansi Patel, for Respondent No.3.

CORAM: S.J. KATHAWALLA, J.

DATE: 29th SEPTEMBER, 2016

P.C.:

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

(i) All the parties agree that the partnership has stopped carrying on its business since June/October, 2013 and therefore, the partnership firm needs to be dissolved.

(ii) The Court Receiver, High Court, Bombay, is appointed Receiver only for the purpose of opening the partnership premises in the presence of all the partners

and/or their Advocates on 1st October, 2016 at 12.00 noon and for preparing an inventory of the movables lying therein, including books of account, statutory registers etc.

(iii) Pending the Arbitration proceeding and passing of the Award, the parties shall not operate any of the partnership account/s until further orders and/or dispose of any of the partnership assets, save and except that the parties shall issue cheques from the partnership account, to pay the rent of the partnership premises and/or the repair expenses payable to the landlord, and/or any other statutory dues which the partnership firm is liable to pay.

(iv) Mr. Aditya Mehta, Advocate is appointed as the sole Arbitrator to decide all the disputes between the parties including disputes arising out of the Partnership Deed dated 6th September, 1985, the Dissolution Notice dated 27th June, 2016, and the disputes arising out of Suit No.468 of 2016 and Summary Suit No.656 of 2014.

(v) The disclosure of Mr. Aditya Mehta, Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 is taken on record.

(vi) The parties shall be at liberty to move the learned Arbitrator under Section 17 of the Act for further ad-interim / interim reliefs.

(vii) The parties shall appear before the learned Arbitrator in his chambers,

on 3rd October, 2016 at 5.00 p.m. and obtain necessary directions.

(vii) All contentions of the parties are kept open.

(viii) The cost of arbitration shall initially be borne by the Petitioner and Respondent No.1 equally.

(ix) The venue of Arbitration shall be at Mumbai.

(x) In view of this order, the above Arbitration Petition, Suit No.468 of 2016, Notice of Motion No.1548 of 2016 and Summary Suit No.656 of 2014 are disposed of. Refund of Court fees, if any, in the Suits, as per rules.

(S.J.KATHAWALLA, J.)