

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO.555 OF 2016

Hemlata Chandrakant Mirani ... Petitioner
versus
Nita R. Mirani and Ors. ... Respondents

Mr. Rajeev Chavan, Senior Advocate with Mr. Deepak Thakre, for Petitioner.
Mr. Prashant D. Jadhav, for Respondent No.3
Mr. B.V.Hiray, PI, EOW Unit No.2, present.
Ms. Nita R. Mirani, Respondent No.1 present.
Mr. Dinesh C. Mirani, Respondent No.2 present.
Mr. Jayesh C. Mirani, Respondent No.3 present.
Mr. Dharmesh C. Mirani, Respondent No.4 present.

CORAM: S.J. KATHAWALLA, J.

DATE: 29th APRIL, 2016

P.C.:

1. On 28th April, 2016 this Court passed the following order :

“1. The parties have informed the Court that the Court may appoint any Advocate as the sole Arbitrator to decide the disputes except testamentary disputes between the parties. The Court proposes to appoint Mr. Nitin Thakkar, Senior Advocate to act as an Arbitrator to decide all the disputes except testamentary disputes if any, between the parties. In view thereof, Mr. Nitin Thakkar, Senior Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.

2. The Advocates for the parties shall forward a copy of this order to Mr. Nitin Thakkar, Senior Advocate .

3. All concerned to act on an ordinary copy of this order, duly

authenticated by the learned Associate of this Court.

4. Mr. Baliram Hire, Investing Officer, EOW, Hou-1, Mumbai is directed to remain present before this Court on 29th April, 2016 along with all the papers pertaining to CR No. 62 of 2015.

5. Stand over to 29th April, 2016”.

2. The learned Advocates for the parties have tendered disclosure of Mr. Nitin Thakkar, Senior Advocate under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996. In view thereof, by consent of the parties, Mr. Nitin Thakkar, Senior Advocate, is appointed as Sole Arbitrator to decide all the disputes except Testamentary disputes, between the parties. The above Petition shall be treated by the learned Arbitrator as a Petition under Section 17 of the Act and shall dispose of the same at the earliest. All contentions of the parties are kept open. The venue of Arbitration shall be at Mumbai. Each of the parties shall initially bear one fifth costs of the arbitration proceedings.

3. Mr. Jayesh C. Mirani who is the complainant in C.R.No.62 of 2015 is present in Court. He states that he has no objection if the following accounts maintained with UCO Bank are de-frozen :

- (i) Mr. T.J.Mirani Estate Account No. 10400200000643
- (ii) Hemlata C. Mirani Account No.104001100227863,
- (iii) Dharmesh C. Mirani account No.10400110025819

4. In view thereof, the Economic Offence Wing (EOW) shall forthwith write a letter to the UCO Bank, Mulund Branch, Gala Kunj, Nehru Road, Mumbai – 400 080 giving them instructions to forthwith defreeze the accounts.
5. The Arbitration Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)