

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

**CHAMBER SUMMONS NO. 944 OF 2011
WITH
NOTICE OF MOTION NO. 1646 OF 2011
IN
SUIT NO. 214 OF 2011**

Sairus Gems (Pvt.) Ltd. & Ors. .. Plaintiffs
Vs.
Tranitek (Aust) Pty. Ltd. & 4 Ors. .. Defendants

None for plaintiffs.

Ms.Divya Bahl for applicants/defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 24TH AUGUST, 2016**

P.C.

1 This chamber summons is taken out by the applicants/defendants to refer the parties to arbitration, in view of the provisions of Section 45 of the Arbitration and Conciliation Act, 1996. The counsel for the applicants states that the plaintiffs have served a copy of the chamber summons and undertakes to file affidavit of service within one week from today. The counsel also states that on the last few occasions, when the matter was listed before the Hon'ble Shri Justice S.J. Kathawalla, the plaintiffs did not appear.

2 The plaintiffs have not filed any affidavit in reply nor are they present today to contest this chamber summons.

3 Heard the counsel and also considered the affidavit in support.

For the reasons mentioned therein, the plaintiffs are directed to refer the disputes to the Arbitral Tribunal as provided in the Agreement, copies whereby are at Exh.'A' ad Exh.'B' to the plaint.

4 The chamber summons stands disposed.

5 The suit and the notice of motion accordingly stand disposed.

(K.R. SHRIRAM, J.)