

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1467 OF 2016
IN
ARBITRATION PETITION NO.1284 OF 2014**

Khar Super Store Pvt. Ltd. and Anr. ... Petitioners/Applicants
versus
IFR Events Pvt. Ltd. ... Respondent

Mr. Anand Mishra i/by Mr. A.M.Saraogi, for Applicants.
Mr. A. Davar i/by M/s. Mulani and Co., for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 8th JULY, 2016

P.C.:

1. By an order dated 13-01-2015, by consent of the parties, this Court interalia passed the following order :

“(iv) *Pending the arbitration proceedings and for a period of four weeks from the date of passing of the Award, the Respondents shall conduct the restaurant business and shall deposit an amount of Rs.60,000/- per month with the Prothonotary and Senior Master of this Court, which amount shall be disbursed as per the final award/order passed in the matter.*”

2. The Petitioners have taken out the above Notice of Motion since the Respondent repeatedly defaulted in making monthly payments of Rs.60,000/- as agreed. It is only after the above Notice of Motion was taken out that the Respondent

paid the outstanding amount. In view thereof, it is clarified that if the Respondent fail to make payments as agreed, the Court will be constrained to appoint Court Receiver, High Court, Bombay, in respect of the suit premises and terminate the permission granted to the Respondent to conduct the hotel business.

3. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)