

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO.962 OF 2016**

Shailesh Nihala Singh and Ors.	...	Petitioners
and		
Rajeev Dube and Ors.	...	Respondents

Dr. Birendra Saraf with Mr. Yogendra Singh i/by M/s. Auris Legal, for Petitioners.
Mr. Suraj S. Swami, for Respondent Nos.1 to 6.
Mr. Siddharth Sharma with Ms. Anisha Singh, for Respondent No.8.

CORAM: S.J. KATHAWALLA, J.

DATE: 1st SEPTEMBER, 2016

P.C.:

1. On 22nd July, 2016 this Court passed an order in Notice of Motion (L) No.2093 of 2016 in terms of the Minutes of Order tendered by the parties. Clause 6 of the said Minutes reads as under :

“6. Counsel for Defendant Nos.1 to 6 makes a statement on instructions that all the properties in Wing 'A' and 'C' in the buildings known as 'Kaatyayni Enclave' constructed on the suit property are sold / rights created as on today. Statement is accepted.”

2. Today, an Application is made before this Court on behalf of the Petitioners stating that it appears that the statement made by Defendant Nos.1 to 6 on 22nd July, 2016 that all the properties in Wings A and C in the building known as

'Kaatyayni Enclave' constructed on the suit property were not sold/third party rights created, was incorrect. The learned Advocate appearing for Respondent Nos.1 to 6 disputes the Petitioners above submission and states that he will within two weeks from today file an Affidavit setting out the correct facts pertaining to the sale of flats in Wings A and C in the building 'Kaatyayni Enclave' along with details of the consideration received from the purchasers and forward a copy of the same to the Advocate for the Petitioner.

3. As far as the other prayers are concerned, the learned Advocate for the Petitioners shall be at liberty to move an Application before the learned Arbitrator, which Application shall be decided on its own merits. The above Arbitration Petition is accordingly disposed of.

(S.J.KATHAWALLA,J.)