

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.41 OF 2017
IN
ARBITRATION APPEAL NO.26 OF 2017
IN
ARBITRATION PETITION NO.11 OF 2016**

Satellite Developers Pvt. Ltd.Applicant

Vs.

Priya Naresh Athawale and Ors.Respondents

**WITH
CIVIL APPLICATION NO.28 OF 2017
IN
ARBITRATION APPEAL NO.26 OF 2017**

Mr. Mayur Khandeparkar i/b. Mr. Mehul A. Shah for applicant.
Mr. Karl Tamboly a/w. Mr. Srinivas Bobade and Mr. Dinesh Shinde i/b.
Mr. Ameya Malkan for respondents.

CORAM : K.R.SHRIRAM, J.

DATE : 10th NOVEMBER, 2017

PC.:

CIVIL APPLICATION NO.41 OF 2017

1 Admittedly, applicant herein has also filed petition under Section 9 of the Arbitration and Conciliation Act, 1996 (the said Act) being arbitration petition no.3 of 2017 before the Court of Civil Judge, Senior Division Raigad at Alibaug.

2 Having heard the parties, in my view, the order passed by this Court on 21st July, 2017 admitting the appeal lodging no.16165 of 2017 and restraining applicant from commencing arbitration in the present dispute till the final disposal of the appeal, should not come in the way of

applicant pursuing its Section 9 petition no.3 of 2017. Mr. Khandeparkar in fairness agrees.

3 Mr. Tamboly, therefore, states that applicant herein will pursue the arbitration petition no.3 of 2017 and apply within two weeks from today to the concerned Court for early hearing of the matter. Mr. Khandeparkar states that appellant herein will give atleast two weeks notice to applicant herein, should appellants decide to dispose of or encumber or create third party rights or part with possession with respect to the property, which is the subject matter of dispute between the parties.

4 It is made clear that if the application as stated by Mr. Tamboly is not made within two weeks from today, this statement of Mr. Khandeparkar will come to an end. If the application is so made, then the statement will continue until the Court of Civil Judge, Senior Division Raigad at Alibaug decides Section 9 petition no.3 of 2017.

5 The dispute has been going on since 2007 and has been going back and forth from one Court to another. The Court of Civil Judge, Senior Division Raigad at Alibaug is requested to dispose of arbitration petition no.3 of 2017 expeditiously.

6 The statement of Mr. Tamboly and Mr. Khandeparkar that their respective clients will not seek any adjournment is noted.

7 In view of the above, civil application stands disposed.

CIVIL APPLICATION NO.28 OF 2017

1 Counsel state that the order passed on 21st July, 2017 be confirmed as order in this civil application and civil application accordingly be disposed.

2 Therefore, the order dated 21st July, 2017 is confirmed as order in this civil application and civil application accordingly stands disposed.

ARBITRATION APPEAL NO.26 OF 2017

Appeal to be listed for final hearing on 8th December, 2017.

(K.R. SHRIRAM, J.)