

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPEAL NO.666 OF 2016
IN
ARBITRATION PETITION NO.1069 OF 2011**

Chittaranjan D. Shah & Ors. Appellants.

V/s.

Hemant D. Shah & Ors. Respondents.

**AND
APPEAL (L) NO.571 OF 2015
IN
ARBITRATION PETITION NO.974 OF 2011**

Sachin C. Shah Appellant

V/s

Hemant D. Shah & Ors. Respondents.

**AND
REVIEW PETITION (L) NO.2 OF 2017
IN
APPEAL (L) NO.571 OF 2015
IN
ARBITRATION PETITION NO.974 OF 2011**

Sachin C. Shah Petitioner.

V/s

Hemant D. Shah & Ors. Respondents.

Mr. D.D. Madon, Senior Counsel a/w Mr. Mikhail Bhel Ms. Benedicta Lobo i/b Katariya & Associates for the Appellants.

Mr. Rafique Dada, Senior Counsel a/w Mr. Riyaz Chagla, Ms. Virakkti Hegde i/b HSV Legal for Respondent Nos. 1 to 5 in all the above matters.

Mr. Mandar Soman i/b Mohanty & Associates for Respondent No.6.

**CORAM: V. M. KANADE &
C.V. BHADANG, JJ.**

DATE: 27th April, 2017

P.C.:-

1] Mentioned, not on board. Upon mentioning, taken on board.

2] Application is made by the Appellants for speaking to the minutes of the order dated 14/09/2016 passed in Appeal (L) No.571 of 2015 as well as the order dated 15/03/2017 passed in Review Petition (L) No.2 of 2017. It is submitted that it may be clarified that the appeal was decided on the point of jurisdiction and not on merits.

3] In our view, really speaking, the clarification is not required since we have, in terms of the said order, observed that the appeal has been dismissed on the ground of jurisdiction. Secondly, a Review Petition was filed and in the said Review Petition by order dated

15/03/2017, it was clarified that the appeal of Sachin, son of Mr C.D. Shah was heard only on the question of jurisdiction and that he could be heard in the appeal which was filed by his father being Appeal No.666 of 2016. However, it is again clarified that Sachin C. shah is entitled to argue on merits in the appeal filed by his father being Appeal No.666 of 2016. It is further clarified that Mr. C.D. Shah can independently make his submissions in respect of his appeal. It is further clarified that since appeal filed by Sachin is dismissed on the point of jurisdiction, he cannot argue his appeal on merits.

(C.V. BHADANG, J.)

(V.M. KANADE, J.)