

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 604 OF 2016
IN
ARBITRATION PETITION NO. 751 OF 2014

Mrs. Shirin Abdul Wahab Mirza and Ors ...Applicants

IN THE MATTER BETWEEN

Mr. Haroon Haji OsmanPetitioner

Versus

Mr. Aasif Haroon Arbee and Anr ...Respondents

Mr. R. R. Varma for the Applicants.

Mr. Sanket P. Thorat for the Respondent Nos. 1 and 2.

Mr. M.R. Mandawgade, OSD, C.R. Present.

CORAM: G.S. KULKARNI, J.
DATED: 07th August, 2017

PC:-

1. Heard learned counsel for the applicants and learned counsel for the respondents (Original respondents). By this chamber summons, the applicants pray that the applicant Nos. 1 to 4 be brought on record as the legal heirs and representative of the petitioner Mr. Haroon Haji Osman who has expired on 06/10/2015.

2. By an order dated 22/05/2014, the above arbitration petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 was disposed of in terms of the minutes of the order tendered by the parties. In pursuance of the said order, pending the arbitration proceedings, the Court Receiver, High Court Bombay was appointed as receiver in respect of the premises in possession of the firm namely Mrs. H.A. and R Enterprises and particularly the property situated in the building known as Central Ice and Cold Storage Building situated at 9, Saboo Siddik Road, Off. Palton Road, Mumbai-1 with a direction to appoint the respondents as the agent of the Court Receiver to carry on the partnership business without security and royalty.

3. The respondent had agreed to pay an amount of Rs. 10,000/- per month to the deceased petitioner without any default and continue to pay the said amount till the arbitration proceedings are completed. It is stated that the substantial part of the amount has remained to be paid i.e. from October 2015.

4. On the above background, the chamber summons which is for a limited purpose to bring the legal heirs of the deceased petitioner on record will be required to be allowed. There is a

delay of 62 days in filing of the chamber summons, the delay has been satisfactorily explained in the averments as set out in the affidavit in support of the chamber summons, the delay is accordingly condoned.

5. The chamber summons is allowed in terms of prayer clause (b). Necessary amendment be carried out within a period of one week from today and amended copy of the petition be served on the respondents. The Court Receiver is directed to undertake further steps, if any, with the applicants, who would now be brought on record.

6. The learned counsel for the respondents submits that, the arrears of the amount as payable by the respondents as per order dated 22/05/2014 shall be deposited with the Court Receiver within a period of one month from today. The applicants have now stepped into the shoes of the original petitioner. The applicants would be at liberty to move an appropriate application for withdrawal of the said amount which shall be considered on its own merits. No costs.

(G.S. Kulkarni, J.)