

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL JURISDICTION**

**SUMMONS FOR JUDGMENT NO. 83 OF 2016  
IN  
COMMERCIAL SUIT NO. 513 OF 2016**

Reliance Nippon Life Asset Management  
Ltd. ...Applicant/Plaintiff  
vs  
Turbomachinery Engineering Industries  
Ltd. & Anr. ...Defendants

.....

Mr Sarosh Bharucha a/w Mr D.J.Kakalia, Mr Tushad Kakalia &  
Ms Raghavi Sharma i/b Mulla & Mulla & Craige Blunt & Caroe  
for the Applicant/ Plaintiff  
Mr Yogendra M. Kanchan for the Defendants.

.....

**CORAM : B.P.COLABAWALLA, J.  
NOVEMBER 17, 2017.**

**P.C.:**

By an order dated 8<sup>th</sup> November, 2017, after hearing  
the parties at length on the Summons for Judgment there was  
consensus before me that the disputes and differences arising  
under the Memorandum of Understanding dated 25<sup>th</sup> July, 2012  
and which forms the subject matter of the present suit, are

referred to the Sole Arbitration of Mr Cyrus Ardeshir, an advocate of this Court under the provisions of the Arbitration and Conciliation Act, 1996 (“Said Act”). There were further directions also given in the same order. One of the directions was that the Plaintiff shall file the disclosures by the Arbitrator as contemplated under Section 11(8) read with Section 12(1) of the Said Act within a period of one week from 8<sup>th</sup> November, 2017 and the suit was placed under the caption “**For Directions**” today. Today, when the matter is called out, the Plaintiff has brought to my attention that the disclosure as contemplated under the order dated 8<sup>th</sup> November, 2017 have been filed in this Court on 14<sup>th</sup> November, 2017.

2           In this view of the matter and considering that by an order dated 8<sup>th</sup> November, 2017, the disputes have already been referred to the arbitration, the suit is disposed of and the disputes shall be resolved by the Arbitrator as mentioned in the order dated 8<sup>th</sup> November, 2017. In view of disposal of the suit, nothing survives in the Summons for Judgment and the same is accordingly disposed of. Refund of court fees, if any, as per rules.

3           All parties are directed to act on an ordinary copy of  
this order duly authenticated by the Associate of this Court.

( B. P. COLABAWALLA, J. )