

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

COMMERCIAL ARBITRATION PETITION (L) NO.248 OF 2017

Her Excellency Ms. Nimisha Jayant MadhvaniPetitioner

Vs.

Nitin Jayant Madhvani and Ors.Respondents

Mr. Shiraz Rustomjee a/w. Ms. Shreya Parekh and Mr. Aditya N. Raut i/b. Desai Desai Carrimjee and Mulla for petitioner.

Mr. Gautam Ankhad a/w. Mr. Srinivas Atreya and Ms. Vividha Tandon i/b. Cyril Amarchand Mangaldas for respondent no.1.

Mr. Kedar Dighe for respondent nos.2 and 3.

CORAM : K.R.SHRIRAM, J.

DATE : 4th JULY, 2017

P.C.:

1 The counsel agree that the dispute between the parties relating to the Partnership Deed of Singara Nilgiri Plantations Company be referred to arbitration by a sole Arbitrator. The counsel, on instructions, suggest that Mrs. Justice Sujata V. Manohar (retired), Former Judge of Supreme Court of India, be appointed as the sole Arbitrator.

2 Therefore, Mrs. Justice Sujata V. Manohar (retired) is appointed as the sole Arbitrator to decide on all issues of the Partnership Deed relating to Singara Nilgiri Plantations Company. All rights and contentions of the parties are kept open, including the submissions made by Mr. Ankhad, counsel for respondent no.1 that there is no valid arbitration agreement and that the Partnership Deed relied upon by

petitioner is a sham and nominal document and the same is invalid and of no effect.

3 All parties to this petition shall not sell or deal with or alienate or dispose of or encumber or create third party right, title and interest in respect of the partnership properties or with respect to their own share in the partnership. At the same time, it is clarified that the Partnership Firm or respondent no.1, who is the managing partner, is not restrained from selling the tea grown in the estate or carrying on business or dealing with the tea leaves plucked or anything else required to be done in the ordinary course of business of the firm.

4 Respondent nos.1 and 2 are directed to forthwith render correct and faithful accounts of the earnings and affairs of the said Partnership Firm to petitioner and to give inspection and photocopies of all books of accounts to petitioner and/or her authorised representative and also make a full disclosure of all the said partnership properties, the assets of the said Partnership Firm, including but not restricted to all its properties and bank accounts.

5 The petition accordingly stands disposed.

(K.R. SHRIRAM, J.)