

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT (L) NO.377 OF 2017

Ramesh Harilal Padia ... Plaintiff
v/s
Sharda Chandrakant Padia and others ... Defendants

Mr Snehal Shah with Ms Trivedi Jani i/b Mr Omkar Warange for Plaintiff.

Mr Mayur Khandeparkar with Mr Z.A. Jariwala i/b M/s Thakore Jariwala and Associates for Defendant Nos.1 to 3.

CORAM : B.P. COLABAWALLA, J.

DATE : JULY 12, 2017

P.C.:

1. When this matter was placed on board for directions today, the parties have tendered minutes of the order. These minutes provide that by consent, the disputes between the Plaintiff and Defendant Nos.1 to 3 are referred to the sole arbitration of Mr Shyam Kapadia, Advocate. It further states that the plaint in this Suit shall be treated as a statement of claim on behalf of the Plaintiff and Defendant Nos.1 to 3 shall be entitled to file their written statement and/or counter claim, if any, before the learned Arbitrator. The

Notice of Motion filed for the purpose of seeking interim reliefs shall be treated as an Application under section 17 of the Act and the order passed on 10th July 2017 in the said Notice of Motion shall continue till the hearing and final disposal of the Application under section 17 of the Act.

2. These consent minutes of the order are signed by the Plaintiff and his Advocate as well as by the Defendant Nos.1 to 3 and their Advocate. All the parties viz. the Plaintiff as well as Defendant Nos.1 to 3 are present in Court and have been identified by their respective Advocates. The consent minutes of the order are taken on record and marked 'X' for identification. As per the minutes of the order, the disputes between the parties are referred to the sole arbitration of Mr Shyam Kapadia, Advocate.

3. As far as Defendant No.4 is concerned, it is the Co-operative Housing Society and Mr Shah, learned counsel, on instructions of his client who is present in Court, states that the said Society may be deleted from the present proceedings. It is so ordered. The Suit is disposed of accordingly in terms of the minutes

of the order.

4. In view of this, Notice of Motion (L) No.1303 of 2017 does not survive and the same is disposed of.

(B.P. COLABAWALLA, J.)