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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL APPEAL LODGING NO. 119 OF 2018
IN
NOTICE OF MOTION LODGING NO. 500 OF 2018
IN
COMMERCIAL ARBITRATION PETITION (L) NO. 200 OF 2018
WITH
NOTICE OF MOTION LODGING NO. 230 OF 2018

Tigaksha Metallica Private Ltd.

.. Applicant/
Appellant

Vs.

Supermax Personal Care Pvt. Ltd. and anr.

.. Respondents

Mr. Jishnu Saha, Senior Advocate a/w Mr. Raja Thakare, a/w Mr. Ishan Saha, Mr. Shreeram Shirsat, Mr. Vinamra Kopariha, Mr. Mihir Joshi, Mr. Amandeep Singh Sra i/by Mr. Vinamra Kopariha and Mihir Joshi for applicant-appellant.

Mr. Janak Dwarkadas, Senior Advocate a/w Mr. Ashish Kamath, Mr. Anoj Menon, Ms. Shreevardhini Parchure i/by M/s. AZB & Partners for respondent no.1.

Mr. Kiran Bapat a/w Mr. Rahul Oak, Mr. Siddhesh Shetye for Intervener.
Mr. D. R. Shetty, Court Receiver.

CORAM: NARESH H. PATIL &
G. S. KULKARNI, JJ.

MARCH 13, 2018.

P.C.

1. Not on board, mentioned and, therefore, taken on board.

2. Heard the learned Senior Counsel for the parties. Perused the orders dated 21/2/2018, 22/2/2018 and the impugned order dated 5/3/2018 passed by the learned Single Judge. We have also perused the Notice of Motion (L) No. 500 of 2018 presented by the appellant before the learned Single Judge, the agreement dated 1/4/2015 executed between the parties, under which present dispute has arisen. The learned counsel appearing for the parties referred to relevant clauses of the agreement.

3. We are informed that around 800 workers are working in the subject factory of the appellant. At present urgency in the matter is that the Court Receiver, who is said to be present at the subject factory will seal the premises consequent to the compliance with the order passed by the learned Single Judge on 5/3/2018. It is submitted that the respondent has 40% share in the appellant's company. Both the sides raised issue in respect of number of machinery owned and used respectively by them. While passing impugned order dated 5/3/2018, the learned Single Judge has directed to list the said Notice of Motion for hearing on 19/3/2018.

4. In the facts, we find that status quo as on today needs to be maintained so that the running unit with large number of workers is not

closed down which would not be in the interest either of the parties at this stage. Obviously, the learned Single Judge would deal with the issue while deciding the Notice of Motion (L) No. 500 of 2018.

5. The parties shall maintain status quo as on today, which shall continue to operate till the disposal of the Notice of Motion (L) No. 500 of 2018 by the learned Single Judge and for a period of one week thereafter. It is directed that the appellant shall not sale or deal with the products manufactured in the unit with third parties and shall not deal with in any manner with the machinery, moveable or immoveable lying in the subject factory premises until further orders passed by the learned Single Judge.

6. With the aforesaid modification and direction, the appeal is disposed of. All contentions on merits are kept open. Notice of Motion (L) No. 230 of 2018 does not survive and is disposed of as such.

7. All concerned to act on an authenticated copy of this order. Court Receiver to take notice. Necessary intimation to all concerned be given forthwith.

(G. S. KULKARNI J.)

(NARESH H. PATIL,J.);