

sg

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.822 OF 2016

Jasmine Infrastructure And Anr.Petitioners

vs

Ramdev Ramlok Bali & Ors. ...Respondents

.....

Mr. Piyush M. Shah, a/w. Ms. Meetal Savla, for the Petitioners.

Ms. Vaishakhi Talati, i/b. M/s. Lexconseiller, for Respondent No.2.

.....

CORAM : S.C. GUPTE, J.

DATED: 30 NOVEMBER, 2018

P.C.:

. Learned Counsel for the Petitioners states that during the pendency of the present petition, when a status-quo order in respect of the property, forming the subject matter of the petition, was in operation, the Petitioners learnt about Respondent No.1 having transferred the property in favour of Respondent No.2. The Petitioners, accordingly, joined Respondent No.2 as a party respondent to the present petition. Learned Counsel submits that the Petitioners have learnt that Respondent Nos. 1 and 2, in collusion with Slum Rehabilitation Authority, have fraudulently executed a deed of conveyance, which has the effect of defeating the Petitioners' rights. Learned Counsel submits that since now the case involves third parties and since it is a case of fraud, his clients would like to pursue their remedy before a civil court and not within the framework of Arbitration and Conciliation Act, 1996.

2. Learned Counsel submits that since there is an ad-interim status-quo order today in his clients' favour, that order may be continued for a reasonable period during which he will file appropriate proceedings before a civil court and seek extension of the ad-interim order.

3. The petition is allowed to be withdrawn with liberty to the Petitioners to prosecute their remedy on the subejct matter of the present petition before a civil court. The ad-interim status-quo order passed in the arbitration petition herein shall continue to operate for a period of eight weeks from today. No order as to costs.

(S.C. GUPTE, J.)