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

NOTICE OF MOTION NO.2355 OF 2016
IN
ARBITRATION PETITION NO.933 OF 2016

Mrs.Leelavati R. Suratwala ...Applicant

IN THE MATTER BETWEEN :

Mrs.Leelavati R. Suratwala ...Petitioner

V/s.

Mrs.Nirmala M. Khadawala & Ors. ...Respondents

Mr.J.Jariwala i/b Thakore Jariwala for the Applicant / Petitioner.

Ms.K.C. Nichani for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 28TH MARCH, 2018.

P.C. :-

1. By this notice of motion, the applicant seeks appointment of the Court Receiver and for permission to withdraw the amount lying with the Court Receiver with interest not less than Rs.16,25,000/- which is lying deposited with the Court Receiver according to the petitioner.

2. The applicant has disputed the findings rendered by the learned arbitrator that he was a partner under the Partnership Deed in question. In view of the petitioner having challenged that finding in

the arbitration petition, in my view, the applicant cannot be allowed to withdraw the said amount lying with the Court Receiver. The premises are already closed and no business is being carried on from the property in question. The question of the appointment of the Court Receiver therefore, does not arise.

3. If the Court Receiver has not invested the amount lying with him in the suit account, the Court Receiver shall invest the said amount in a fixed deposit of a nationalized bank initially for a period of three years and thereafter for like period after obtaining prior permission from this Court.

4. The notice of motion is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)