

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****ARBITRATION APPEAL NO. 10 OF 2019**

Smt. Suvarna Anil Ghodke and another ... Appellants

Versus

Mr. Jagannath Balaji Ghodke and others ... Respondents

WITH

CIVIL APPLICATION NO. 5 OF 2019

Mr. Zal Andhyarujina alongwith Mr. Mayur Khandeparkar, Mr. Parag Khandhar, Mr. Sridhar Chari and Mr. Jahaan Dastur instructed by DSK Legal for the Appellants.
Mr. Pradeep Thorat for the Respondents.

CORAM : S.J. KATHAWALLA, J.

DATED : 2nd APRIL, 2019

P.C.:

1. Heard the Learned Advocates appearing for the parties and the following order is passed, by consent :

(i) Mr. Justice S.R. Sathe, Former Judge of this Court, is appointed as the sole Arbitrator to decide the disputes between the Appellant and Respondents arising out of the Deed of Partnership dated 24th February, 2010.

(ii) Mr. Justice S.R. Sathe, Former Judge of this Court, shall within a period of two weeks from today forward his disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 (Act No.3 of 2016) (*the Act*) to the Registrar

(Judicial) and also handover copies of the same to the parties.

(iii) The Order passed by the Learned District Judge dated 4th December, 2018 is set aside. However, the Learned Arbitrator shall hear the Application filed before the Learned District Judge, afresh and pass ad-interim and interim orders. The parties may also file fresh Application/s before the Learned Arbitrator and seek ad-interim/interim reliefs. The directions given by the Learned Arbitrator shall be binding on the parties.

(iv) The Learned Arbitrator shall hear and dispose off the Application seeking ad-interim reliefs within a period of 15 days from today.

(v) Respondent Nos.1 to 3 shall upto 20th April, 2019 not issue any cheques save and except cheques pertaining to the statutory dues, payment to the workers and urgent payments towards the day-to-day costs/expenses. The particulars of all the cheques issued shall be provided to the Petitioner every day at 5.00 p.m.

(vi) Parties shall appear before the Learned Arbitrator on 4th April, 2019 at 11.00 a.m. alongwith their Advocates and obtain necessary directions.

(vii) The Bank shall not act on any past instructions given by either of the parties not to allow the operation of Account/s.

(viii) If either party has any grievance/problem upto 20th April, 2019 i.e. until the Arbitrator decides the ad-interim Application, the parties are at liberty to move this Court.

(ix) Parties shall be at liberty to file fresh documents before the Learned Arbitrator

which are currently not on record.

- (x) The venue of arbitration shall be at Mumbai.
- (xi) The cost of arbitration shall initially be borne by the parties equally.
- (xii) All contentions of the parties are kept open.
- (xiii) All concerned to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

2. The above Arbitration Appeal as well as Civil Application are accordingly disposed off.

(S.J.KATHAWALLA, J.)