

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (STAMP) NO.19586 OF 2019  
WITH  
CIVIL APPLICATION (STAMP) NO.19587 OF 2019  
IN  
APPEAL FROM ORDER (STAMP) NO.19586 OF 2019**

M/s. P.K. Associates, Through Its Partner  
Shri. Keshav Trymbak Wani

...Appellant

vs.

M/s. Sai Developers & Ors.

...Respondents

.....

Mr. B.K. Bali, a/w. Ms. Anju Singh, i/b. Bali Associates, for the  
Appellant.

Mr. Vishal Kanade, i/b. Sidheshwar Biradar, for Respondent Nos. 1 to 4.

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**CORAM : S.C. GUPTE, J.**

**DATED : 7 OCTOBER 2019**

**P.C. :**

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the appeal from order may be disposed of and it is, accordingly, ordered as follows :-

(i) The disputes between the parties, which form the subject matter of Special Civil Suit No.88 of 2018, are referred to the sole arbitration of Mr. Shyam Kapadia, Advocate. The pleadings in the present suit shall be treated as pleadings in the arbitration. The parties

will be entitled to put in such other and further pleadings as they may choose to before the sole arbitrator.

(ii) Learned Counsel for the Respondents (original defendants) undertakes to the Court, on instructions from his clients, that he shall reserve a flat admeasuring 650 sq.ft. (carpet) at Sai Residency, Wing 'A', identified in their affidavit dated 17 April 2018, as protective relief to the Appellants (original plaintiffs). This flat shall not be sold by the Respondents pending hearing and final disposal of the arbitration reference. This order shall operate as an interim order in the reference.

(iii) Special Civil Suit No.88 of 2018 is disposed of accordingly.

(iv) All rights and contentions of the parties on merits are kept open.

(v) Appeal from order is disposed of.

2. In view of the disposal of the appeal from order, the civil application does not survive and is disposed of.

( S.C. GUPTE, J. )