

psv

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

**CIVIL APPLICATION (ST.) NO.21796 OF 2019
IN
ARBITRATION APPEAL NO.42 OF 2013**

Freny Bomi Davierwalla	..Applicant
Vs.	
Kobad Dorabji Davierwalla & Ors.	..Respondents
In the matter between	
Mrs.Perin Hoshang Davierwalla & Anr.	..Appellants
Vs.	
Mr.Kobad Dorabji Davierwalla & Ors.	..Respondents

Mr.Akshay Patil with Mr.Vishesh Malviya, Mr.Kyrus Modi i/b. M/s.Rashmikant & Partners for Applicant.
Dr.Sneha Goyal i/b.M/s.K. Ashar & Co. for Respondent No.2.
Mr.B.K. Bali with Mr.Anuj Singh i/b. M/s. Bali Associates for Respondent No.3.
Mr.P.K. Nardele, O.S.D., Court Receiver with Mrs.K.Y. Ambekar, Ist Assistant to Court Receiver.

CORAM : G.S. KULKARNI, J.

DATE : 8th AUGUST, 2019

P.C.:

Heard learned Counsel for the applicant and learned Counsel for the respondents.

2. By an order dated 7 May 2014 passed on Arbitration Appeal No.42 of 2013, the Court Receiver, High Court, Bombay, came to be appointed in respect of the assets and business of the partnership firm as set out in paragraph 17 of the said order. The parties were thereafter referred to arbitration of a sole arbitrator. The arbitral tribunal has pronounced the consent interim order on 17 July 2019 in pursuance of

which the applicant is before the Court making prayers for discharge of the Court Receiver and for actions to be taken by Court Receiver as per the consent interim order. The respondents have no objection to the prayers as made in the civil application to be granted.

3. Accordingly, the civil application is allowed in terms of prayer clause (a). However, the Court Receiver shall take necessary action as per the consent interim order on or before 30 August, 2019 and the prayer as made in the petition referring to the date 28 August 2019 be accordingly read.

4. The civil application is disposed of in the above terms. No costs.

5. The Court Receiver shall accordingly stand discharged on 30 August 2019.

6. Costs of the Court Receiver shall be payable upto 30 August 2019.

[G.S. KULKARNI, J.]