

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION (L) NO. 144 OF 2019

Infinity 1 Shipping Inc.

...Petitioner

Versus

Tatrakshak Kshetriya Mukhyalaya (Paschim) & ...Respondents
Anr

Mr Akshay Kolse Patil, *with Mr Naishadh Bhatia and Ms Bulbul Singh Rajpurohit, i/b M/s Crawford Bayley & Co, for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 27th March 2019

PC:-

1. The Petition is for leave to institute the suit without serving a statutory notice under Section 80 of the Code of Civil Procedure 1908 to the two Respondents to the Petition. It seems that the Petitioners filed an earlier Arbitration Petition under Section 9 of the Arbitration and Conciliation Act. The 1st Respondent was a party to that Petition. The Court made an order on 4th March 2019 granting liberty to institute a substantive civil suit. The Petitioner has therefore filed the present suit for a declaration that the 1st Respondent's claim for capitation charges is unlawful.

2. Having regard to these circumstances and fact that the 1st Respondent was aware of the Petitioner's case as also the fact that

the Union of India is required to be joined only because there was a salvage agreement with the Navy, leave granted.

3. The Petition is made absolute.

(G. S. PATEL, J)