

psv

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

**NOTICE OF MOTION NO.782 OF 2017
IN
ARBITRATION PETITION NO.502 OF 2010**

Bhagwandas Jinabhai Patel	..Applicant
In the matter between	
Pravinchandra Jinabhai Patel	..Petitioner
Vs.	
Shri Bhagwandas Jinabhai Patel & Ors.	..Respondents

**WITH
CHAMBER SUMMONS NO.31 OF 2018
IN
NOTICE OF MOTION NO.782 OF 2017
IN
ARBITRATION PETITION NO.502 OF 2010**

Suhas K. Malankar & Ors.	..Applicants/Intervener
In the matter between	
Pravinchandra Jinabhai Patel	..Petitioner
Vs.	
Bhagwandas Jinabhai Patel & Ors.	..Respondents

Mr.M.S. Bhandari i/b. Ms.Pranjali Bhandari for Petitioner.
Mr.Mahendra Ghelani i/b. M/s.Law Charter for Applicants.

CORAM : G.S. KULKARNI, J.

DATE : 15th JANUARY, 2019

P.C.:

After having heard learned Counsel for the parties for some time,
Mr.Ghelani, learned Counsel for the applicants, on instructions, submits
that his client intends to withdraw this application with liberty to agitate

the prayers as made in the notice of motion in an application under Section 17 of the Arbitration and Conciliation Act, 1996 (for short, the “ACA”) before the arbitral tribunal as by a separate order passed today in Commercial Arbitration Application No.60 of 2017, an arbitral tribunal is already appointed.

2. In the above circumstance, the notice of motion is disposed of by the following order:-

ORDER

- i. This notice of motion along with the pleadings as already on record be treated as an application under Section 17 of the ACA to be adjudicated by the learned arbitral tribunal.
- ii. All contentions of the parties on merits of the matter are expressly kept open.
- iii. The parties are at liberty to file such further pleadings as may be necessary.
- iv. Notice of Motion is disposed of in the above terms. No costs.

In view of disposal of above notice of motion, chamber summons No.31 of 2018 would also not survive. It is accordingly disposed of.

[G.S. KULKARNI, J.]