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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
SUMMONS FOR JUDGMENT NO. 62 of 2018  
IN  
COMM SUMMARY SUIT NO. 198 OF 2018**

Ratnesh Metal Industries Private Limited ...Plaintiff  
*Versus*  
SS Enterprises & Ors ...Defendants

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**Mr Chirag Mody**, *with Mr Chaitanya Sanjay Patel, i/b Mahesh Thaker, for the Plaintiff.*  
**Mr Mayur Khandeparkar**, *with Mr Yogesh K Deshpande, for Defendants Nos. 1 and 2.*  
**Mr Sumeet Bansod**, *i/b LJ Law, for Defendants Nos. 3 to 6.*  
**Mr Amit Sheth**, *for Defendant No.7.*

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**CORAM: G.S. PATEL, J**  
**DATED: 11th March 2019**

**PC:-**

1. After I have heard parties for some time, Mr Mody for the Plaintiffs submits that parties may be referred to the sole Arbitration of Mr Cyrus Ardeshir, learned Advocate of this Court. He states that in a companion dispute between some of these parties relating a firm called Disha Realtors in which a director of the Plaintiff was a

partner with some of the Defendants, there is already an arbitration pending before Mr Ardeshir.

2. The original 3rd Defendant has been deleted from the array of parties already. All the others are agreeable to the reference of these disputes in the commercial summary suit to the sole arbitration of Mr Ardeshir. The original 3rd Defendant, Manisha Sharad Mehta, is already a party to the previous arbitration. It will be open to the present Plaintiff, who will be the Claimant, to join her to the arbitration claim before Mr Ardeshir.

3. Parties agreed that they will file a joint statement confirming that instructions to Counsels in Court by Thursday, 14th March 2019.

4. A few further directions are necessary. It is open to the present Plaintiff to submit that the two arbitrations should be clubbed together and heard together. Even on that there is no consensus. The Defendants say that the present Plaintiff has in the existing arbitration closed his case. Mr Mody says he has done no such thing yet and may well lead evidence. That, however, is an application for the learned arbitrator to decide on merits as and when or if it is ever made.

5. Finally, the statement of disclosure from Mr Ardeshir is dispensed with in this case since he is already seized of an arbitration between some of these parties or their principals.

6. I would request Mr Ardeshir to place the matter at his earliest convenience for directions. I will only observe that it will be open to the present Plaintiff to file a copy of the present summary suit as the statement of claim before Mr Ardeshir if the Plaintiff so wishes.

7. The Commercial Summary Suit and Summons for Judgment are disposed of in these terms. In the facts and circumstances of the case, and though this is in the Commercial Division, there will be no order as to costs.

8. All contentions are expressly kept open on both sides.

**(G. S. PATEL, J)**