

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION APPLICATION (L) NO. 533 OF 2019**

Madhukant Virji Thakkar	...Applicant
<i>Versus</i>	
Jethabai Gopalji's	...Respondent

Mr Jehaan Mehta, *with Suddhastwa Roy, i/b i/b Vis Legis Law
Practice, for the Applicant.*

Mr KH Holambe Patil, *for Respondents Nos. 1 to 7.*

Mr Kunal Kanugo, *with Rhea Garg, i/b S Venkateshwar, for
Respondent No. 8.*

CORAM: G.S. PATEL, J.
DATED: 20th December 2019

PC:-

1. Mr Holambe Patil with the exemplary fairness for which he is so well known states that without admitting the rights of the Applicant, he has no objection to the application being allowed.

2. There is an arbitration pending before the Hon'ble Mr Justice JP Devadhar. Two partners are claimants, and Mr Holambe Patil is for the firm and other partners (except the present Applicant).

3. Parties agree that since the partnership agreement is the same as the one that is presently before Hon'ble Mr Justice JP Devadhar, the claim of the present Applicant, Madhukant Virji Thakkar, one of the partners mentioned in that partnership deed, and his disputes under that partnership deed against one or more of the other partners or the firm itself will also be referred to the sole arbitration of Hon'ble Mr Justice JP Devadhar. I will leave it to the parties to arrive at an agreement before the learned Sole Arbitrator on the question of fees, filing of statement of claim and so on.

4. It is clarified that this is not and cannot be a 'composite' arbitration. The claim of the present Applicant is a separate reference to the arbitration of the Hon'ble Mr Justice Devadhar.

5. The learned Sole Arbitrator was appointed by an order dated 3rd July 2019. About six months have already passed. I will leave it to the learned Sole Arbitrator to decide whether the two arbitrations should be dealt with separately or can be disposed of together.

6. Hence, the time for completion of the present arbitration will commence from today. Parties agree before me immediately to an initial extension of six months should the learned Sole Arbitrator require.

7. The Arbitration Application is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)