

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

ARBITRATION PETITION NO. 97 OF 2015

Shri Imran Mithaiwala S/o. Abubakar
Mithaiwala & Ors.

... Petitioners.

V/s.

Shri Abdul Sattar & Ors.

... Respondents.

Mr. Y. V.Divekar, Advocate a/with Ms.Sayali Gharpure I/by
Divekar & Co. for the Petitioners.

Mr. Shardul Singh, Advocate, I/by Mr. Vaibhav R.Gaikwad,
Advocate for the Respondents.

CORAM : S. C. GUPTE, J.

DATE : JANUARY 07, 2019.

PC :

1 Heard learned counsel for the parties.

2 This arbitration petition seeks interim relief of appointment of Court Receiver in a partnership dispute. Ordinarily, in a partnership dispute, Court Receiver is appointed if a prima facie case is made out. In the present case, however, ever since the parties went before the arbitral forum, the petitioners have had an interim injunction in their favour. That has been so since the year 2012. The petitioners' prayer for appointment of court receiver was rejected by the Sole Arbitrator as far back as in 2015. Though the petitioners

have come before this court immediately thereafter by the present application under section 9 of the Arbitration and Conciliation Act, 1996, there has been no ad-interim order as of now. The Court is informed that the arbitration reference is at an advance stage. The parties are of the view that the reference could be concluded within 2 to 3 months.

3 In the premises, I am not inclined to consider the application for appointment of receiver. The petitioner would have to make do with whatever interim protection, they have since the year 2012. However, I would reserve liberty unto the petitioners to apply for appropriate orders at the stage of award or immediately thereafter.

4 Arbitration petition is accordingly disposed of by confirming the ad-interim injunction as of date and keeping all rights of the parties, on merits, open. It is agreed between the parties that the arbitral tribunal shall conclude the reference and declare its Award latest by 31.03.2019. The tribunal shall stick to this time-line.

(S. C. GUPTE, J.)

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