

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

**COMMERCIAL ARBITRATION PETITION NO.227 OF 2019
ALONG WITH
NOTICE OF MOTION NO.969 OF 2019**

Thatikonda Chinnayya Keshav
(since deceased)
through legal heirs and legal
representatives

... Petitioners

Versus

Keshav Laxman Thatikonda
(since deceased)
through legal heirs and legal
representatives

... Respondents

.....

Mr. Kevic Setalwad, Senior Counsel a/w Mr. Assem Naphade and Mr. Kunal Chheda i/b M/s Utangale & Co. for the Petitioners/Applicants.
Mr. Rohan Savant a/w Mr. Mahesh Mahale for Respondent Nos.1(A) to 1(F) and 2 and 3.

.....

CORAM : R.D. DHANUKA, J.

DATE : 8 JULY 2019

P. C. :

. **Admit.**

2 Mr. Rohan Savant, learned Counsel appearing for Respondent Nos.1(A) to 1(F), 2 and 3 waives service.

3 Hearing of the Commercial Arbitration Petition is expedited.

4 Notice of Motion No.969 of 2019 is taken out for staying the impugned award.

5 In so far as stay of the impugned award is concerned, it is not in dispute that the suit firm is not dissolved till the date. In the impugned award, the learned Arbitrator has directed payment of certain amounts to the Respondents for the period February 2010 till July 2010 and further amount of Rs.2,00,000 from the date of filing of the claim i.e. 28 June 2010 till the date of the award along with interest. The learned Arbitrator further awarded amount the sum of Rs.3,00,000 per month from the date of award against the Applicants till such time as the Respondents are admitted as partners of the partnership firm.

6 During the pendency of the arbitral proceedings, pursuant to the order passed by the learned arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996, the Petitioners appears to have deposited sum of Rs.10825000 with the Respondents. The amount payable according to the impugned award comes to Rs.32188625 as per calculations of the Applicants. Stay in respect of directions issued in paragraphs (b) and (c) is refused.

7 The directions issued under paragraphs 115 (a), (d) and (e) of the impugned award dated 18 September 2018 are stayed.

8 It is made clear that since the firm is not dissolved, the Petitioners cannot restrain the Respondents from participating in the partnership

business. Notice of Motion is disposed off on aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)