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

ARBITRATIN PETITION (L) NO.1560 OF 2018

Aditya Birla Finance Limited ... Petitioner

V/s.

Sunil Basawant Bharale and anr ... Respondents

Mr. Aseem Naphde, aw/ Mr. Nikhil Mehta, for the
Petitioner.

CORAM : G. S. KULKARNI, J.

DATE : 25TH APRIL, 2019.

P.C. :

1] This petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), whereby the petitioner has prayed for interim measures pending enforcement of the award.

2] By order dated 16th January, 2019, this Court issued notices to the respondents and in the meantime granted ad-interim protection in terms of prayer clause (b), which reads thus :-

"Heard learned Counsel for the petitioner. Affidavit of service tendered by learned Counsel for the petitioner is taken on record.

2. Issue notice to the respondents, returnable on 30 January 2019. Hamdast permitted. In addition to the court notice, learned Counsel for

the petitioner is permitted to serve the respondents by private service as the respondents are residents of Pune.

3. In the meantime, there shall be ad-interim reliefs in terms of prayer clause (b) which reads thus:-

“(b) The Respondents, by themselves, their servants and/or agents be restrained from dealing, selling, alienating, disposing and/or creating third party rights in respect of the mortgaged property located at Flat No.4, 1st Floor, Sector No.25, Plot No.203A, Shwetayan Paradise, akurdi, Pune, Pradhikaran, Pune (more particularly described in the list annexed and marked as Exhibit I hereto) in any manner whatsoever and an order of permanent injunction be passed in that regard in favor of the Petitioner herein.”

4. Parties to act on an authenticated copy of this order.

3] Respondent though served has not appeared in the present proceeding. There is also affidavit of service on record. Considering the nature of the reliefs and as already the petitioner is granted ad-interim protection as far as back on 16th January, 2019, in my opinion it would be appropriate that the petitioner executes the exparte award in question by approaching the executing Court and seeks appropriate reliefs in that regard.

4] Ad-interim relief granted by this Court, however, shall remain in operation till the enforcement of the award.

5] The petition is accordingly disposed of in the above terms.

6] All contentions of the parties including merits are expressly kept open.

7] In the event, the execution application is filed within two weeks from today, certainly it would be open for the petitioner to request the jurisdictional and executing Court to take up the application for hearing and pass such appropriate ad-interim/interim reliefs as permissible in law.

[G. S. KULKARNI, J]