

ARBITRATION PETITION (L) NO. 1589 OF 2018

Shobha Speer @ Shobha Shenai	...	Petitioner
V/s.		
Anusmera Realty and Infra Private Ltd	...	Respondents

CORAM : G. S. KULKARNI, J.

DATE : 2nd May 2019.

P.C. :

1] It is informed that the amount is already deposited in this court as directed by this Court in the order dated 28th March, 2019.

2] Learned counsel for the petitioner would submit that the petitioner be permitted to withdraw the amount as in the past, amounts were paid by respondent Nos. 1 to 4 to the petitioner.

3] It is further submitted that the petitioner is willing to furnish an undertaking in case, in future, in any proceedings if the amount is directed to be paid to respondent No.5, the petitioner shall bring back such amount and deposit the same in this Court. Obviously, respondent Nos 1 to 4 would not have any objection to this course of action as it is contended

that this is purely a dispute between the petitioner and respondent No.5. There is no opposition of respondent No.5 for such course of action, who is now not appearing despite service and being represented on one occasion.

4] Considering the facts and circumstances, the petition is accordingly disposed of by the following order:-

Order

- i) The petitioner is permitted to withdraw amount as deposited by the respondent Nos. 1 to 4 in this Court, on the petitioner's furnishing an undertaking on affidavit that in the event in any proceedings the petitioner is directed to deposit the said amount to be of the entitlement of the respondent No.5, the petitioner shall redeposit the said amount in this Court.
- ii) It is clarified that in the eventuality of such deposit by the petitioner as observed in (i) arises, in case of failure of the deposit, appropriate proceeding in law including of a breach of an undertaking shall be resorted.
- iii) All contentions of the parties including on merits of the disputes, are expressly kept open.
- iv) The petition is accordingly disposed of.

[G. S. KULKARNI, J]