

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 47 OF 2019
IN
ARBITRATION PETITION NO. 650 OF 2018

Mohammad Shafi Chhatriwala	...Applicant
<i>In the matter between</i>	
Mohd Iqbal Abdul Sattar Chhatriwala	...Petitioner
<i>Versus</i>	
Mohd Ayub Abdul Sattar Chhatriwala And Ors	...Respondents

Mr Anand Mishra, i/b AM Saraogi, for the Petitioner.
Mr Amit Karande, for Respondent No.5.

CORAM: G.S. PATEL, J.
DATED: 22nd November 2019

PC:-

1. The Chamber Summons seems to bundle two reliefs into one. The original petitioner passed away. He was the claimant in arbitration. His widow could not be joined as she was away on a pilgrimage.

2. The application is to allow her to be substituted as the 1st petitioner. Accompanying this is a request by the original 2nd respondent, Mohammad Shafi Chhatriwala that he should now be transposed in the arbitration petition as the 2nd petitioner. The

second request for transposition is opposed on the ground that the 2nd respondent had no disputes at any time with any of the other respondents. The arbitration petition is entirely silent about any such claims or disputes. The 2nd respondent cannot simply adopt the grievances of the deceased original petitioner or those of the deceased petitioner's widow as his own. He must make out his own case on the strength of his own agreement and annexing all relevant documents. Conceivably this may be a separate arbitration although it may required to be heard together with the present one.

3. I am inclined to allow the chamber summons only partly i.e. to allow the deletion of the name of the deceased original petitioner and the substitution of his name with the name of Mrs Harjra Mohd Iqbal Chhatriwala at the same address. Abatement, if any, is set aside. The amendment is to be carried out within two weeks from today.

4. The prayer for transposition is dismissed. However, this is without prejudice to the rights of the 2nd respondent to initiate such proceedings as he may be advised. All contentions are left open in that regard.

(G. S. PATEL, J)