

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 5159 OF 2020**

Nitesh Natwarlal Bhayani	...Petitioner
<i>Versus</i>	
Virendra N Bhayani	...Respondent

AND

ARBITRATION PETITION NO. 1397 OF 2019

AND

ARBITRATION PETITION NO. 1401 OF 2019

AND

ARBITRATION PETITION NO. 1408 OF 2019

AND

EXECUTION APPLICATION (L) NO. 2289 OF 2019

**Mr Vishal Pattabiraman, with Jayesh Rathod, i/b Jayesh Rathod, for
the Petitioner.**

Mr Nilesh Bhayani, Petitioner, present in person.

**Mr Karl Tamboly, with Jamshed Master and Rushabh Irani, i/b PP
Fouzdar, for the Respondent.**

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by Shephali
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Date: 2020.11.07
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**CORAM: G.S. PATEL, J
(Through Video Conference)**
DATED: 6th November 2020

PC:-

1. Heard through video conferencing.
2. Arbitration Petition Nos. 1397 of 2019 , 1401 of 2019, 1408 of 2019 and Execution Application (L) No. 2289 of 2019 are not on board. By consent, all these matters are taken on board.
3. The parties have settled their disputes comprehensively, not only in this Court but also in arbitration before the learned sole Arbitrator. A soft copy of the consent terms is filed. This is taken on record.
4. The soft copy of the Consent Terms will be uploaded as the second order in the matter. The Petitioners' Advocate will apply to the Registry for a filing token within one week to file the hard copy of the Consent Terms. The hard copy will be marked "X" for identification. The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.
5. The undertakings, if any, in the Consent Terms are accepted as undertakings to the Court.
6. As a consequence of this, the arbitral proceedings stand terminated as there are no surviving disputes. All previous orders, both by this Court and by the arbitral Tribunal, therefore, necessarily stand vacated.

7. Parties are not required to file separate consent terms before the Arbitrator. A copy of this order along with the consent terms be forwarded to the learned Sole Arbitrator for completion of his records. In particular, the order of 22nd September 2020 of the learned Sole Arbitrator holding the Respondent in contempt no longer survives.

8. There is a cheque deposited with the learned Sole Arbitrator by the Respondent in the amount of Rs. 12,000/- as security. This is to be returned to the Advocates for the Respondent and the learned Sole Arbitrator is requested to do so at his earliest convenience.

9. This order is in supersession of all previous orders passed in this and all connected matters.

10. Arbitration Petition (L) No. 5159 of 2020 is disposed of in accordance with the Consent Terms. This order will also dispose of, by consent, Arbitration Petition Nos. 1397 of 2019, 1401 of 2019, and 1408 of 2019. In consequence, the Petitioner's Execution Application (L) No. 2289 of 2019 is, by consent, disposed of as infructuous.

11. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)