

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11621 OF 2022**

S.V.Smart City Developers (Partner) Mr. Venugopal Naagbhushan Katta V/s. S.V.Smart City Developers (Partner) Mr. Shailesh Mohanlal Karwa	Petitioner Respondent
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Mr. Ashok B. Tajane with Ms. Mallika R. Pujari, Advocate for the Petitioner.
Mr. G.S.Godbole i/by Mr. Pradeep Salgar, Advocate for the respondent.

CORAM : SANDEEP K. SHINDE, J.
DATED : 21ST OCTOBER, 2022.

P.C. :

1. Heard learned counsel for the Parties.
2. Parties to the Petition have filed Minutes duly signed by their respective advocates and would request to pass the order in terms of the Minutes tendered by them.
3. Minutes dated 21st October, 2022 signed by the respective advocates is taken on record and marked '**X-1**' for **Identification** which reads as under;

MINUTES OF THE ORDER

1. The Petitioner is Original Plaintiff in Regular Civil Suit No. 507 of 2022 file din the court of Learned Civil Judge Senior Division, Solapur for Accounts of the Partnership Firm S.V. Smart City Developers, for

deciding the share in the Suit property of the Plaintiff and for Separation and possession of the said share etc.

2. The Respondent is the Original Defendant in the above Suit has filed Application Exhibit 14 in the above Suit for sending the said Suit to the Arbitrator for its decision on the ground that there is Arbitration Clause and therefore, the Learned Civil Court cannot decide the dispute and matter is required to be sent to the Arbitrator as per Sec. 8 of The Arbitration and Conciliation Act, 1996.

3. The main contention of the Plaintiff is that the Respondent has cheated the Plaintiff and the Partnership firm and committed forgery and misappropriation of funds of partnership firm and this issue can be decided only by Civil Court and Arbitrator cannot decide the issue of cheating, forgery and misappropriation of the funds of partnership firm.

4. The Petitioner and Respondent during the pendency of this petition have by consent agreed upon the name of sole Arbitrator namely Mr. L.R. Sherla, Chartered Accountant of the partnership firm S.V. Smart City Developers.

5. The parties will appear before the Arbitrator on 10.11.2022 at 11.00 a.m. in the office of the Arbitrator. Further course of action will be decided by the Arbitrator as per the provision of The Arbitration and Conciliation Act, 1996.

6. In view of the above minutes in Writ Petition No. 11621 of 2022 is disposed off. However, all the rights of the Petitioner with regard to take Criminal proceedings are kept open and all contentions of both parties are kept open.

4. Petition is disposed of in terms of the Minutes.

(SANDEEP K. SHINDE, J.)