

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.556 OF 2023

Pra Realty Commercial Development
LLP Through Managing Partner

Rustom Bharucha

... Applicant

V/s.

Astrix Realty
Through its partners
Harish Solanki & Anr

... Respondents

Mr. S. S. Patwardhan i/by Ms. Mrinal A. Shelar, for
applicant.

Mr. Girish Godbole, Sr. Advocate i/by Mr. Sumit Kothari
a/w. Ms. Deepanshikha Godbole, for solerespondent.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2023

P.C.:

1. By the impugned order dated 1 September 2023, the Executing Court has rejected judgment-debtor's objection that the award passed by the Arbitrator in favour of unregistered partnership firm, is not executed.

2. The Executing Court relying on judgment in the case of **M/s.Umesh Goel Versus Himachal Pradesh Co-operative Group Housing Society Ltd.**, reported in (2016) 11 SCC 313, rejected the objection.

3. On considering the observations made by the Apex Court in paragraph 30, in my opinion, the execution proceedings of award passed under the provisions of the Arbitration and Conciliation Act, 1996 would not fall within the expression “other proceedings” under Section 69 of the Indian Partnership Act, 1932. Therefore, in my opinion, the Executing Court has rightly rejected the objection raised by the applicant. There is no error of jurisdiction.

4. The civil revision application is, therefore, rejected. No costs.

(AMIT BORKAR, J.)