

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.430 OF 2024

M/s. Pyramid Land Developers

.. Applicant

Versus

Shivnarayan Acchaibar Singh and Anr.

.. Respondents

.....

- Mr. Ali Delhiwala a/w. Ms. Trishala Sailish i./by L R & Associates,
Advocates for Applicant.

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 29, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Delhiwala, learned Advocate for Applicant.
- 3.** Perused the praecipe dated 29.08.2024 and the Civil Revision Application.
- 4.** By the impugned order dated 19.07.2024 passed Notice of Motion No.2034 of 2024 in S. C. Suit No.2606 of 2023, the learned Trial Court has rejected the said Notice of Motion of the Defendant to refer the *lis* between parties for Arbitration despite there been a specific and admitted arbitration clause which has been taken cognizance of by the learned Trial Court after hearing the Defendant.
- 5.** The ground on which the rejection has been done by the learned Trial Court is that the Agreement between parties stood terminated and certified copy of the Agreement having not been

produced by the Defendant.

6. *Prima facie* both the reasons are innocuous. It is only on termination of the Agreement that *lis* could arise resultantly compelling one of the parties to approach the Court. However if the arbitration clause which is clause No.19 as appended at page No.128 of the Civil Revision Application, is seen it clearly makes out an arguable case for issuance of notice to Respondents and stay of the impugned order and stay of proceedings before the Trial Court.

7. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Applicant is directed to serve the Respondents a copy of this order and copy of the Civil Revision Application and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Civil Revision Application on or before the next date.

8. Stand over to **09th September, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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