

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15274 OF 2024

Waman Krishna Shikhare

...Petitioner

Versus

Atharva Enterprises & Ors.

...Respondents

Mr. Atul Damle, Senior Advocate, i/b Suryajeet Chavan, Vishakha S. & Rajesh K., for the Petitioner.

Ms. Ketki Gadkari, a/w Shivraj Patne, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : NOVEMBER 12, 2025

ORDER :

1. This Writ Petition seeks to invoke the extraordinary jurisdiction of this Court for intervention in private arbitration proceedings. While the Supreme Court has stated that this power is not unavailable, needless to say, it has to be exercised in the rarest of rare situations where palpably perverse circumstances not covered by alternate efficacious remedy may be examined in the discretion exercisable in the Writ Petition.

2. It is the case of the Petitioner that his Application for deletion of his name from the array of the parties from the arbitral proceedings has been rejected. The basis of him seeking a deletion of his name is that

the flat in question, namely, Flat No.9, which is the subject matter of the dispute was transferred by him to his son and daughter on January 23, 2023. On the face of the record, it is seen that the arbitral proceedings relate to a claim period between November 2022 and May 2023. No case for intervention is made out inasmuch as the Learned Arbitral Tribunal would need to examine the evidence to see if the transfer of the flat to his offspring has any consequences. The material part of the period relating to the claim was the period when the flat stood in the name of the Petitioner. In any case, should the Petitioner desire to volunteer his son and daughter to be parties, since he has transferred the flat to them, he shall have liberty to file an Application for joinder of his son and daughter without deleting Petitioner's name with the arbitral proceedings.

3. In terms of law declared in *Cox and Kings*¹ read with *ASF Buildtech*², the Supreme Court has stated that the arbitral tribunal has the fullest power to allow joining veritable parties to the arbitral proceedings. Should such Application be made, the tribunal would examine the same on merits. No case for intervention in the writ jurisdiction is made out.

¹ *Cox & Kings Ltd. v. SAP India (P) Ltd.* - (2024) 4 SCC 1

² *ASF Buildtech (P) Ltd. v. Shapoorji Pallonji & Co. (P) Ltd.* - (2025) 9 SCC 76

4. The Writ Petition is *finally disposed of* in the aforesaid terms.
5. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]