



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO. 88 OF 2024
IN
NOTICE OF MOTION NO. 1576 OF 2015
IN
SUIT NO. 693 OF 2015**

Bharat Amarchand Doshi .. Appellant

Versus

Sudha Aziz Jhaveri and Ors. .. Respondents

**WITH
INTERIM APPLICATION (L) NO. 19736 OF 2023
IN
APPEAL NO. 88 OF 2024**

Bharat Amarchand Doshi .. Applicant

Versus

Sudha Aziz Jhaveri and Ors. .. Respondents

Adv. Shweta Nisar, i/b Sonal Doshi & Co., for the Appellant.

Adv. Mihir Kakade, i/b Jayakar and Partner, for Respondent Nos 1 to 3.

**CORAM: B. P. COLABAWALLA &
AMIT S. JAMSANDEKAR, JJ.
DATE: DECEMBER 19, 2025**

P. C.

1. The above Appeal has been filed challenging the order dated 5th June 2023. It appears that after the passing of this order, and even after the filing of the above Appeal, the Suit itself has been disposed of by order dated 9th December 2025. The order disposing of the above Suit *inter alia* records that the parties have referred their disputes to Arbitration and hence the Suit is disposed of. Certain directions are also given in the order disposing of the above Suit.

2. For the sake of convenience, the order dated 9th December 2025 is reproduced hereunder:-

“1. By administrative order dated 21st November, 2025, the present matter is assigned to this Bench.

2. The learned counsel for the plaintiff and defendant no.1 states that the issue involved in the present suit has been referred to arbitration vide arbitration agreement dated 18th July, 2024. The matter is now pending before the learned Arbitrator for finalizing the issues.

3. Since the parties have agreed to refer the dispute raised in the suit to arbitration, in my view, the parties cannot be permitted to proceed with parallel proceedings simultaneously. However, the learned counsel for the parties brought to my attention paragraph 11 of the arbitration agreement, which states that pending the determination of the disputes by the Arbitrator, all proceedings pending between the parties shall be kept in abeyance and shall not be proceeded with or acted upon. However, in my view, once the matter is referred to arbitration, same cannot be proceeded with in this suit.

4. However, without going into the interpretation and validity of paragraph 11 of the arbitration agreement, the present suit is disposed of

by observing that the issues raised in the suit are pending before the arbitration and same be adjudicated by the Arbitrator.

5. *If, after the arbitration award is passed, the parties wish to revive the present suit, then liberty is given to the parties to file an appropriate application. The parties will be heard at that point of time, whether such revival can be permitted after having referred the matter to the arbitration.*

6. *By order dated 05th June, 2023 in paragraph 15, the Court Receiver was directed to take immediate steps to let out the suit property to a prospective lessee or licensee in accordance with law. I am informed by the office of the Court Receiver that the defendant has not handed over the property, pursuant to paragraph 15 of the said order. It is directed that the parties shall demarcate the suit property and ensure that it is properly fenced, so that the suit property can be protected. Furthermore, the parties are directed to hand over the possession to the Court Receiver within two weeks from today. The Court Receiver will take steps to give the suit structure on leave and license basis on "as is where is basis", subject to the same being made habitable or in a working condition for the limited purpose of the licensee.*

7. *I am informed that the Appeal has been filed against the order dated 05th June, 2023, but there is no order staying the same.*

8. *The plaintiffs to make appropriate application to the Arbitrator for interim orders.*

9. *The Court Receiver to continue for a period of four weeks from today within which the plaintiffs will make appropriate application to the Arbitrator for appropriate orders. After a period of four weeks the Court Receiver will be discharged.*

10. *The Court Receiver will be discharged, subject to the plaintiff making payment of necessary charges, which the plaintiff is required to deposit with the office of the Court Receiver and without any further orders to be passed by this Court and without passing any accounts.*

11. *In view of above, the suit is disposed of in above terms.*

12. *Since, the suit is disposed, nothing survives in the Motion and the Application."*

3. In light of the fact that the Suit itself is now disposed of, nothing survives in the above Appeal as it challenges an Interim order passed in the said Suit.

4. Accordingly, the above Appeal is disposed of as infructuous. No order as to costs.

5. Since the Appeal itself is disposed of, nothing survives in the Interim Application filed therein, and the same is also disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]

[B. P. COLABAWALLA, J.]