

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

ARBITRATION APPLICATION NO.276 OF 2025

Zubeda Mohammed Arif Shaikh	.. Applicant
Vs.	
Mohammed Arif Shaikh and Ors.	.. Respondents

Ms. Drishti Khurana (through V.C.), Advocate for the Applicant.

Ms. Nikhita Mathuria, Advocate, i/by Cygnus Legal, for Respondent No.1.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 3RD OCTOBER 2025.

P.C. :

1. The Applicant is the wife of Respondent No.1. The Applicant has filed this Arbitration Application under Section 11 of the Arbitration and Conciliation Act, 1996 invoking an arbitration clause to resolve her disputes with Respondent No.1 under a Development Agreement dated 21st March 2024. This Agreement was executed between Respondent no.3-Developer and Respondent no.2-Society, where Respondent no.1 is Secretary.

2. In my view, this Arbitration Application filed under Section 11 is not maintainable as there is no arbitration agreement between the Applicant and the Respondents. The Applicant cannot invoke an arbitration clause under the Development Agreement between the Society and the Developer to resolve her personal disputes with her husband regarding her entitlement/possession under a proposed Permanent Alternate Accommodation Agreement ("PAAA"). This Application is not maintainable. The Applicant will therefore have to pursue other remedies as may be available to her in law.

3. Be that as it may, Ms. Nikhita Mathuria, learned counsel appearing on behalf of the Respondents submits that the Applicant is a joint owner with the Respondent no.1 for the two flats in the said Society. However, the Applicant is not signing the PAAA, which is on similar terms as signed by other members. It is for this reason that the PAAA has not been signed till date. In case the Applicant desires to sign the PAAA on the same terms as signed by the other members of the Society, it is always open for her to do so.

4. Arbitration Application No.276 of 2025 is accordingly dismissed.

[GAUTAM A. ANKHAD, J.]