

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPEAL (ST) NO. 6056 OF 2026
WITH
INTERIM APPLICATION NO. 1938 OF 2026
IN
COMMERCIAL ARBITRATION APPEAL (ST) NO. 6056 OF 2026

Runwal Enterprises Limited (Formerly known as
Runwal Apartments Pvt. Ltd.) ...Appellant

Versus

Bridge Water Realty LLP Through Designated
Partner Sandeep Ashok Darakand & Ors. ...Respondents

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI
SANJAY
MORMARE
Date: 2026.03.11
19:06:21 +0530

Mr Virag Tulzapurkar, Senior Advocate, Counsel Aditya Shiralkar, Nanki Grewal, Ms. Manasi Joglekar, Abhishek Ranjan and Ms. Sushmita Das i/b Wadia Ghandy & Co., for the Appellant.
Mr Venkatesh Dhond, Senior Advocate with Sitesh Sharma, Vijay Upadhyay, Karishma Rao, Asha K., Sakshi Upadhyay, for the Respondent No.1.

CORAM: SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.

DATED: 10TH MARCH 2026.

PC:-

1. This Appeal filed under Section 37 (i) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the Act of 1996”) is directed against the *ex-parte* order dated 17th February 2026, passed by the learned District Judge-2, Pune, in Civil

Miscellaneous Application No. 178 of 2026, *inter-alia* issuing an order of temporary injunction, in exercise of jurisdiction under Section 9 of the Act of 1996. The operative part of the order reads as follows:-

ORDER

1. Issue notice to the respondents returnable on 17/03/2026.

2. In the meanwhile, the respondents no. 1 and 2 are restrained from transacting, transferring, assigning or creating any charge or third party interest in the suit property i.e. land admeasuring 3.93 HR out of S.No.214/2 of Mouje Lohgaon, Tal. Haveli, till next date.

3. The respondents no. 1 and 2 are further restrained from indulging in any act of forceful dispossession, or disturbing physical possession of the applicant over the suit property in their use and occupation, till the next date.

4. In the meanwhile, the applicant shall take appropriate steps to initiate arbitral proceedings, and in any case, shall ensure its commencement within a period of 90 days from today, u/sec.9(2) of the Arbitration and Conciliation Act.

5. Applicant shall serve the suit summons and notice of this application together with copy of this order upon the respondents no.1 and 2 in terms of Order 39 Rule 3 CPC and file an affidavit to that effect.

E.P. allowed.”

2. The impugned order has been assailed primarily on the ground that the same contravenes the mandate of proviso to Rule 3 of Order XXXIX of the Code of Civil Procedure (“CPC”) inasmuch

as no reason whatsoever has been recorded by the learned Court below for issuing an *ex-parte* order of temporary injunction by dispensing with service of prior notice on the Appellant. It is also the submission of Mr. Tulzapurkar learned Senior Counsel for the Appellant that the Respondent is not in possession of the suit property and, therefore, it was not entitled to any blanket order of temporary injunction pertaining to the disputed property.

3. The said submission of the Appellant's counsel has, however, been strongly refuted by the learned Senior Counsel Mr. Dhond, appearing for the Respondent, by contending that the learned Court below is seisin of the matter and the Petition is yet to be finally heard and decided. The impugned order has been issued merely to protect and preserve the subject matter of the Arbitration Proceeding. Therefore, at this stage, no interference with the order of temporary injunction is called for. He has, however, submitted in his usual fairness that since the only grievance expressed in the Appeal is pertaining to the fact that the impugned order does not record any reason for dispensing with the service of prior notice upon the Appellant, hence, he would have no objection if the learned Court below be directed to decide, on the prayer of

temporary injunction, afresh after hearing both the sides and till then *status-quo* be maintained. Mr. Tulzapurkar, learned Senior Counsel for the Appellant is also agreeable to such an order.

4. Our attention has been invited to the fact that the Applications under Section 9 of the Act of 1996 is fixed before the learned Court below on the 17th March 2026.

5. In view of the above and by consent of both sides, we pass the following order:-

ORDER

- (a) The impugned order dated 17th February, 2026, in so far as Clauses 2 and 3 of the operative part of the order are concerned, are hereby set aside.
- (b) The Appellant to file objection in Civil Miscellaneous Application No. 178 of 2026, if any, within three days from today, by serving advance copy upon the other side.
- (c) On an undertaking given by both the sides that neither party will seek adjournment on the next date,

i.e., 17th March 2017, we request the learned Court below to take up the Application filed under Section 9 of the Act of 1996 for final hearing and disposal, if necessary, by conducting day to day hearing.

(d) Until such time, the Application under Section 9 of the Act of 1996 is finally decided, both the parties to maintain *status-quo* as regards the suit property in all respect.

(e) The Application under Section 9 be decided by the learned Court below on its own merit, without being influenced by any observations made in the order dated 17th February 2026. Accordingly, all contentions of both the sides are kept open.

(f) The order dated 17th February 2026, stands interfered with to the extent indicated above.

6. With the above observations, the Appeal stands disposed of.

(GAUTAM A. ANKHAD, J.)

(SUMAN SHYAM, J.)