

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/SPECIAL CIVIL APPLICATION NO. 18677 of 2019**

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HDFC BANK LTD.

Versus

AGIBEN WD/O KHODABHAI D RATHOD

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Appearance:

MR NIKUNJ D BALAR(2763) for the Petitioner(s) No. 1

for the Respondent(s) No. 4

NOTICE SERVED(4) for the Respondent(s) No.

1,2,3,4.1,4.2,4.3,4.4,5,7,8

UNSERVED EXPIRED (N)(9) for the Respondent(s) No. 6

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**CORAM: HONOURABLE MR.JUSTICE R.P.DHOLARIA**

**Date : 17/01/2020**

**ORAL ORDER**

Mr. Kinariwala, learned advocate for Mr. Nikunj Balar, learned advocate for the petitioner submits that in view of the arbitration clause, the learned trial Court could have considered the status of newly added defendant No.2, who had preferred the application for referring the dispute to the arbitrator before considering the written statement, which has not done so far and his valuable right has been lost.

Hence, issue **Rule** for final disposal making it returnable on **12.02.2020**.

Ad-interim relief granted earlier, shall continue till then.

**(R.P.DHOLARIA, J)**

Manoj