

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 17397 of 2024**

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MANISHBHAI MULCHANDBHAI PATEL & ORS.

Versus

HETALBEN MAHESHKUMAR PAVASIYA & ANR.

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Appearance:

MR PARTH BHATT with GAURAV D NANAVATI(8651) for the Petitioner(s) No.
1,2,3

KHYATI A CHUGH(10132) for the Petitioner(s) No. 1,2,3

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***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL******and******HONOURABLE MR. JUSTICE PRANAV TRIVEDI*****Date : 24/12/2024****ORAL ORDER*****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)***

Heard the learned counsel for the petitioners and perused the record.

2. The challenge to the order of rejection of application under Section 8 of the Arbitration and Conciliation Act, 1996 passed by the learned 8th Additional Senior Civil Judge, Vadodara is on the ground that the reliefs sought in the Civil Suit are arising out of the partnership created between the parties vide partnership deed dated 13.06.2016, which contains an arbitration clause no. 14.

3. The submission is that all issues arising out of the partnership affairs between the parties or the rights and duties of any of the

partners including the settlement of accounts of the then partnership firm are governed by the partnership deed dated 13.06.2016. The learned 8th Additional Senior Civil Judge, Vadodara has committed illegality in holding that with the dissolution of the partnership firm, the arbitration clause contained in partnership deed has lost its efficacy. The matter requires consideration.

Let a **Notice** be issued to respondent no. 1, returnable on **17.02.2025**.

Steps to be taken within one week.

Till the next date of listing, the further proceedings in Commercial Suit No. 23 of 2021 pending before the learned 8th Additional Senior Civil Judge, Vadodara shall be kept in abeyance.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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