

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

INTERIM APPLICATION NO. 625 OF 2021
IN
COMMERCIAL SUIT NO.21 OF 2021
WITH
COMMERCIAL SUIT NO. 621 OF 2017

Kuresh R. Kushesh @ Dhiren

...Petitioner/
Applicant

Versus

Shashi Sumeet Production Pvt. Ltd. & 4 Ors.

...Respondents

Ms. Manorama Mohanty, a/w *Mr. Hitanshu Jain i/b S.K. Srivastav & Co., for the Plaintiff.*

Mr. Piyush Raheja, *Mr. Akash Loya with Ms. Jyoti Ghag & Mr. Shailesh Prajapati i/b Dua Associates, for the Respondent in IA No.625 of 2021 and for the Plaintiff in Suit No. 621 of 2017.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MAY 5 , 2026

ORDER :

1. Submissions on behalf of the Applicant in the Section 8 application have been concluded. In a nutshell, the submission is that the suit essentially revolves around the Memorandum of Understanding dated November 23, 2016, which eventually led to the transaction being further worked upon and resulted in the execution of the Share Subscription Agreement ("**Agreement**") dated December 21, 2016. The said Agreement contains an arbitration clause

(Clause No. 25 at Page No. 94 of the Suit). Therefore, it is contended that looking at the pleadings and prayers in the Suit, the subject matter of the suit is the subject matter of the arbitration agreement. Therefore, it is contended that the Section 8 Application deserves to be allowed with the parties being relegated to arbitration.

2. To enable Mr. Raheja, Learned Advocate for the original Plaintiff and the Respondent under Section 8 Application, to present this case, Stand over to ***May 6, 2026***.

3. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]