

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

Kuresh R. Kushesh @ Dhiren

...Applicant /
Plaintiff

Versus

Shashi Sumeet Production Pvt. Ltd. And Ors.

...Defendants

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

Mr. Piyush Raheja, a/w Akash Loya, Jyoti Ghag & Shailesh Prajapati, i/b Dua Associates for Defendant in IA/625/21 & for Plaintiff in S/21/21.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : May 6, 2026

ORDER :

1. Submissions on behalf of the original Plaintiff and the Respondent in the Section 8 Application have been concluded.

2. In a nutshell, the contention is that allegations about fraud have been leveled not just by the Plaintiff but also by the Defendant about the very agreement, thereby rendering the dispute non-arbitrable.

Reliance is placed on the judgement of the Supreme Court in ***Rajia Begum¹***.

1 Rajia Begum v. Barnali Mukherjee 2026 SCC OnLine SC 135

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3. That apart, the contention is that the Applicant himself has abandoned the right to commence and pursue arbitration by instituting a Suit in 2021. Therefore, the Respondent in the Application contends that the Section 8 Application ought not to be allowed.

4. To save on time in the Court, final Orders will be passed separately in Chambers and uploaded.

5. 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.]