

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

INTERIM APPLICATION NO.4258 OF 2022

IN

COMMERCIAL ARBITRATION PETITION NO.1046 OF 2019

Alokkumar Mahabirprasad Dalmia and another ... Applicants

In the matter between

Parikshit Ashok Kumar Dalmiya and another ... Petitioners

Vs.

Alokkumar Mahabirprasad Dalmia and another ... Respondents

AND

M/s. U. Y. Industries Pvt. Ltd. and another ... Third Party
Respondents

WITH

INTERIM APPLICATION NO.1422 OF 2019

WITH

NOTICE OF MOTION NO.2075 OF 2019

IN

COMMERCIAL ARBITRATION PETITION NO.1046 OF 2019

ALONG WITH

ARBITRATION PETITION NO.1185 OF 2019

WITH

NOTICE OF MOTION IN SUIT (L) NO.2048 OF 2019

ALONG WITH

COMMERCIAL ARBITRATION NO.535 OF 2017

WITH

INTERIM APPLICATION NO.1421 OF 2019

Ms. Reshma Nair i/b. Mr. Devmani Shukla for Petitioners in CARBP/1046/19 and 535/17 and for Respondents in ARBP/1185/19.

Mr. Surin Usgaonkar for Applicants in IA/4258/2022 and for Petitioners in ARBP/1185/19 and for Respondents in CARBP/1046/19 and CARBP/535/17.

Ms. Sheetal Metkari i/b. Mr. Sunil Sonawane for BMC.

Mr. Ashok K. Goel a/w. Mr. Vikram A. Goel for Third Party Respondent No.1.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 2, 2022

P.C. :

. This is an application moved on behalf of respondent Nos.1 and 2

in Commercial Arbitration Petition No.1046 of 2019, seeking stay of certain proceedings initiated by third party i.e. landlord, who has been shown as third party respondent No.1, only in the present application.

2. The arbitration petition is filed under Section 34 of the Arbitration and Conciliation Act, 1996 in order to challenge the award dated 25.07.2019 passed by a sole arbitrator in the backdrop of disputes that arose between the petitioners and respondent Nos.1 and 2, who claim to be the partners of a partnership firm.

3. Third party respondent No.1 M/s. U. Y. Industries Private Limited is the entity, which has initiated the proceedings before the Small Causes Court for eviction of the partnership firm from the premises in question.

4. This Court fails to understand as to how respondent Nos.1 and 2 in the arbitration petition can claim any interim relief for stay of such proceedings of eviction initiated by the landlord for eviction of the partnership firm. The arbitration petition filed under Section 34 of the Act is concerned with *inter se* disputes between the partners of the partnership firm, which have nothing to do with the eviction proceedings initiated by the landlord. Equally, it is difficult to understand why the Municipal Corporation of Greater Bombay is also shown as third party respondent No.2 in the present application.

5. This Court is of the opinion that the present application is wholly misconceived and it is not maintainable for the reliefs sought therein.

6. Accordingly, Interim Application No.4258 of 2022 is dismissed.

7. List the Arbitration Petitions for further consideration on 25.01.2023.

(MANISH PITALE, J.)