

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

AA No. 8/2025

Anil Sharma

.... Petitioner/Appellant(s)

Through:- Mr. Sunil Sethi, Sr. Advocate with
Mr. Parimoksh Seth, Advocate

V/s

Divya Vasudeva

.....Respondent(s)

Through:- Mr. Vikram Sharma, Sr. Advocate
with
Mr. Sachin Dev Singh, Advocate

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

20.08.2025

1. Order dated 06.06.2025 passed by the learned Principal District, Judge, Jammu in petition filed under Section 9 of Arbitration and Conciliation Act, 1996 is being called in question through the medium of the instant appeal filed under Section 37(1)(b) of the Arbitration and Conciliation Act, 1996.

2. The primary ground urged up by the appellant for challenging the impugned order dated 06.06.2025 is that the said order is not legally sustainable as the learned Trial Court failed to consider the relevant clauses of the partnership deed while passing the said order. It is contended that Trial Court has committed a glaring illegality and irregularity in passing the impugned order and that the

directions issued therein operate harshly against the appellant.

3. The Trial Court has passed the order impugned in this petition under Section 9 of Arbitration and Conciliation Act, 1996. The operative portion of the impugned order dated 06.06.2025 reads as un

“4. In view of the submissions made at bar and the urgency shown, non-applicant is restrained temporarily from taking any decision concerning the partnership business and management of the hospital and other day today affairs unilaterally without taking petitioner or indulging in any activity prejudicial to the working and reputation of the hospital. This order is, however, subject to objections from the other side and is liable to be modified on the motion at any time. Put up on 01.07.2025.”

4. A perusal of the aforesaid order clearly indicates that the directions issued therein are of an ad interim nature, and the same have been made subject to objections from the opposite party and liable to be modified on motion.

5. It is submitted that the appellant has already filed objections before the learned Trial Court prior to instituting the present appeal. However, instead of awaiting adjudication of the said objections, the appellant has approached this Court through the instant appeal.

6. In the considered opinion of this Court, the appellant ought to have pursued the remedy available before the learned Trial Court by pressing his objections and seeking appropriate orders thereon. However, during the course of arguments, learned counsel for the appellant submitted that the appellant shall prosecute the objections already filed

before the Trial Court. He further prays that the matter may be transferred to another Court for hearing. Learned counsel for the respondent has not opposed the said request.

7. In view of the above and the consensus between the parties, it is directed that the petition filed under Section 9 of the Arbitration and Conciliation Act, 1996, pending before the Court of learned Principal District Judge, Jammu shall stand transferred to the Court of learned Additional District Judge, Jammu.

8. The learned Additional District Judge, Jammu shall hear both parties and dispose of the matter expeditiously on its own merits, in accordance with law, without being influenced by any observation made in the interim order dated 06.06.2025 or in this order.

9. The record of the case be transmitted forthwith to the Court of learned Additional District Judge, Jammu. The parties are directed to appear before the learned Additional District Judge, Jammu on 26.08.2025.

10. The appeal stands disposed of in the aforesaid terms.

(Vinod Chatterji Koul)
Judge

Jammu:
20.08.2025
BIR