

ITEM NO.25

COURT NO.5

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).13259/2012

(From the judgement and order dated 08/12/2011 in MFA No.4128/2010 of The HIGH COURT OF KARNATAKA AT BANGALORE)

SYED RIZWAN AHMED

Petitioner(s)

VERSUS

SYED AHMED & ORS.

Respondent(s)

(With appln(s) for deletion of the name of respondent and prayer for interim relief and office report)

Date: 04/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.

Ms. Ruby Singh Ahuja, Adv.

Ms. Ruchira Gupta, Adv.

Mr. Ishan Gaur, Adv.

Mrs. Manik Karanjawala, Adv.

For Respondent(s)

Mr. R.S. Hegde, Adv.

No.1

Ms. Vaijayanthi Girish, Adv.

UPON hearing counsel the Court made the following

O R D E R

The application for deletion of respondent No.2 from the array of parties is allowed at the risk of the petitioner.

Learned senior counsel appearing for the petitioner argued that the observations made by the High Court that the petitioner had not raised objection to the jurisdiction of

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the arbitrator is factually incorrect. He invited our attention to para 39 of the award passed by the arbitrator to show that the petitioner did question the maintainability of the arbitration proceedings by relying upon the Deed dated 27.03.1999.

Issue notice on the special leave petition as also on the petitioner's prayer for interim relief, returnable in

ten weeks. Dasti, in addition, is permitted.

Shri R.S. Hegde, learned counsel accepts notice on behalf of respondent no.1. Therefore, notice need not be issued to the said respondent.

Notice to the remaining respondents be issued for the date to be specified by the Registry.

In the meanwhile, execution of the award passed by the arbitrator shall remain stayed.

It shall be the petitioner's duty to serve the remaining respondents before the next date of hearing failing which the interim order passed today shall stand automatically vacated.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master