

ITEM NO.33

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).28428-28430/2011

(From the judgement and order dated 26/08/2011 in CA No.3/2011 & CA No.4/2011 & AA No.5/2011 & AA No.6/2011 & CA No.6/2011 & AA No.7/2011 of The HIGH COURT OF BOMBAY)

SUNANDA DEEPAK BHOSALE & ANR.

Petitioner(s)

VERSUS

YASHWANT GOPAL BHOSALE & ANR.ETC.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, permission to place addl. documents on record and prayer for interim relief)

Date: 14/11/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Vinay Navare, Adv.
Mr. Keshav Ranjan, Adv.
Ms. Abha R. Sharma, AOR

For Respondent(s) Mr. Chinmoy Khaladkar, Adv.
Mr. Vimal Chandra S. Dave, AOR

UPON hearing counsel the Court made the following
O R D E R

These special leave petitions are directed against the judgment and order dated 26th August, 2011, passed by the Bombay High Court, in Civil Application No.3 of 2011 in SLP 28428-28430/2011

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Arbitration Appeal No.5 of 2011, Civil Application No.4 of 2011 in Arbitration Appeal No.6 of 2011 and Civil Application No.6 of 2011 in Arbitration Appeal No.7 of 2011, whereby as an interim arrangement, the High Court has appointed the Court Receiver to take charge of the affairs of the partnership firm. The Court Receiver has been directed to appoint an Agent to run the business of the firm and the parties will be at liberty to bid for the agency of the Court Receiver.

Before us, it has been contended that the directions given by the High Court could be interpreted in such a manner, so as to also permit a third party from bidding for the agency for running the partnership business. to obviate such interpretation, we make it clear that the

In order

bidding for the agency before the Court Receiver would be between the parties themselves and shall not be open to anyone else. Since the Court Receiver has been appointed as an interim measure under Section 9 of the Arbitration and Conciliation Act, 1996, for the protection of the partnership business, the respondent should take expeditious steps to proceed in arbitration.

The special leave petitions are dismissed and disposed of accordingly.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar