

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 16TH DAY OF JULY, 2007

PRESENT

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

AND

THE HON'BLE MR. JUSTICE L.NARAYANA SWAMY

M.F.A. No. 13078 OF 2006 (AA)

BETWEEN:-

M/S. UNITED PIZZA RESTAURANTS PVT. LTD.,
No. 100, MOSQUE ROAD,
FRAZER TOWN,
BANGALORE – 5,
REP. BY ITS DIRECTOR,
MR. NADIRSHAH BHALWAN.

APPELLANT

(BY SRI M.T. NANAIAH & VISHNU HEGDE, ADVOCATES)

AND:-

1. M/S. ELLORA PARK HOSPITALS (P) LTD.,
REP. BY ITS MANAGING DIRECTOR,
MR. YOGESH PATEL.
2. YOGESH PATEL,
MANAGING DIRECTOR,
M/S. ELLORA PARK HOSPITALS PVT. LTD.,
SHEELCOMMERCIALCOMPLEX,
INOX ROAD, RACE COURSE,
VADODARA,
GUJARAT – 390 007.



3. MRS. KALPANA PATEL,
DIRECTOR,
M/S. ELLORA PARK HOSPITALS PVT. LTD.,
SHEELCOMMERCIALCOMPLEX,
INOX ROAD, RACE COURSE,
VADODARA,
GUJARAT – 390 007.

RESPONDENTS

(BY SRI ASHOKHARANAHALI, ADVOCATE)

THIS MFA IS FILED U/S.37(1) OF ARBITRATION AND CONCILIATION ACT, AGAINST THE JUDGMENT AND DECREE DATED 9/9/06 PASSED IN A.A.NO.57/06 ON THE FILE OF THE VI ADDL.CITY CIVIL JUDGE, BANGALORE, DISMISSING THE APPLICATION FILED U/S.9 OF THE ARBITRATION AND CONCILIATION ACT, FOR AN ORDER OF TEMPORARY INJUNCTION

This appeal is coming on for orders on being spoken to this day, **SREEDHAR RAO, J.**, delivered the following:

ORDER

Order dated 12.07.2007 is recalled. Learned counsel for both the parties submit that an arbitrator is appointed and the proceedings are in progress.

2. Learned counsel for the respondents submit that his party is prepared to submit to the jurisdiction of the arbitrator for passing interim orders.



3. Learned counsel for the appellant agrees that he would make necessary application for interim orders before the arbitrator. In the event of such application, the arbitrator shall hear both the parties and pass necessary orders.

Sd/-
JUDGE

Sd/-
JUDGE

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