

ITEM NO.38

COURT NO.6

SECTION III-B

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

Petitions for Special Leave to Appeal (C) Nos.1789-1790/2023

[Arising out of impugned final judgment and order dated 12-10-2022 in CA(FOR STAY) No. 1/2022 & CA No. 2/2022 passed by the High Court of Gujarat at Ahmedabad]

HIMSON INTERNATIONAL PRIVATE LIMITED

Petitioner(s)

VERSUS

HIMSON ENGINEERING PRIVATE LIMITED

Respondent(s)

(IA No. 15248/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 48955/2023 - EXEMPTION FROM FILING O.T. AND IA No. 15249/2023 - EXEMPTION FROM FILING O.T.)

Date : 22-09-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Apurva Vakil, Sr. Adv.
Ms. Anushree Prashit Kapadia, AOR
Mr. Parth Saluja, Adv.
Mr. Pranay Bhardwaj, Adv.
Ms. Pragya Jaishwal, Adv.

For Respondent(s) :

Mr. Shamik Shirishbhai Sanjanwala, AOR
Ms. Megha Jani, Sr. Adv.
Mr. Shamik Sanjanwala, Adv.

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

1. The subject matter of challenge before us is an interlocutory Order passed by the High Court in First Appeal preferred by the respondent.
2. The nature of the interlocutory order is stay of the execution of the money decree unconditionally.
3. The matter before us is at the stage of notice.

4. It appears that in the meantime, the main matter, i.e. First Appeal Number 2181 of 2018, came up for hearing before a Division Bench of the High Court. The High Court has passed the following order dated 14th September, 2026:-

"1. Having heard Ms. Megha Jani, learned Senior Counsel assisted by Mr. Mit S. Thakkar, learned advocate for the appellant and Mr. Apurva Vakil, learned Senior Counsel assisted by Mr. P.M. Lakhani, learned advocate for the respondent and perused the record, noticing that the dispute essentially is between two brothers and one of them holds a money decree against another, we are of the considered view that an attempt be made by the parties to resolve their dispute amicably.

2. On this suggestions of the Court, the learned Senior counsels appearing for the parties would submit that the parties are ready and willing to participate in the mediation process.

3. In view of the above, the matter is referred to the MED-ARB Centre of the Gujarat High Court Arbitration Centre where advocates well versed in commercial matters are empanelled as Mediators. We request the Gujarat High Court Arbitration Centre to provide two Mediators who may act as co-mediator to engage with the parties and make an effort to find out an amicable solution.

4. Both the parties are hereby directed to deposit an amount of Rs.25,000/- each to be paid to the Mediators as one time fees. The notice of the date fixed for mediation shall be intimated to the parties through their learned advocates appearing in this matter. The matter be posted along with the mediation report.

5. Needless to say that the observations in this order about the nature of dispute is only our understanding for the purpose of referring the matter to mediation."

5. Thus, the parties have been referred for mediation.

6. In view of the aforesaid, we expect the parties to appear before the Mediator, Mediation and Arbitration Center of the Gujarat High Court, within a period of one week from today.

7. We expect the parties to cooperate in the mediation.

8. Post it after six weeks.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)