

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(Through Virtual Mode)**

Arb P No.32/2025
Cavt No.2323/2025

Syed Aijaz Ahmad Andrabi

...Petitioner.

Through: Mr. Sajad Ashraf, Advocate.

Vs.

Suhail Majeed Malik

....Respondent(s)

Through: Mr. Haaris Khan, Advocate

**CORAM:
HON'BLE THE CHIEF JUSTICE**

ORDER
05.12.2025

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator.
2. The parties herein set up a joint venture of departmental store under the name and style of “**M/s Daily Needs Mart**” with its head place of business at Nowgam Bypass, Srinagar. The partners entered into an agreement and executed a partnership deed in the year 2009.
3. The dispute, as would come to fore from the averments made in the petition, centres around the financial affairs and settlement of accounts of the firm. The petitioner initially filed a civil suit for rendition and settlement of accounts before the Court of learned Principal District Judge, Srinagar. The said suit, however, came to be rejected by the court of Passenger Tax, Srinagar, vide order dated 15.05.2025, firstly on the ground that dispute fell within the scope of the bar under Section 6 of the Commercial Courts Act, 2015 and secondly, the partnership deed entered interse parties contains an arbitration clause.

4. Subsequently, the petitioner made a request to the respondent for amicable settle of the dispute or in the alternative to appoint an arbitrator in the matter so as to resolve the disputes arisen between the parties. However, the request so made was not responded to leading to the filing of the present petition

3. Pursuant to the notice issued by this Court, the respondent though caused appearance but no reply/ response has been filed on his behalf.

4. The existence of the arbitration clause, as aforesaid, and its invocation by the petitioner is not disputed.

5. Thus, in the given circumstances, learned counsel for the respondent, as always, fairly submits that let an arbitrator be appointed. But since the claim that is sought to be made by the petitioner is vehemently disputed/ denied, it is submitted that respondent be granted liberty to raise all possible pleas/ objections before the arbitral tribunal/ arbitrator in this regard.

6. Accordingly, in the wake of the position sketched out above and in terms of the statements made by the learned counsel for the parties, the petition is allowed. And, with consent of learned counsel for the parties, Ms. Masooda Jan, Sr. Advocate, High Court of Jammu & Kashmir and Ladakh, is appointed as the sole arbitrator. Who shall proceed with the matter in accordance with the provisions of the Act. And to make an award within the time provided in the Act itself after charging the prescribed fee along with incidental expenses to be shared by the parties. The respondent is at liberty to raise all the objections as regards the subject matter before the learned Arbitrator.

7. Registry to send a copy of this order to the learned arbitrator.

(ARUN PALLI)
CHIEF JUSTICE

Jammu
05.12.2025
Abdul Qayoom, Secy.