

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

Arb P No. 13/2026 c/w  
Arb P No.11/2024 and  
Arb P No.14/2026

**Omkar Mehra**

...Petitioner(s).

Through: Mr. Javaid Hameed, Advocate.

Vs.

**Naresh Kumar Mehra and others.**

....Respondent(s)

Through: Mr. Z. A. Qureshi, Sr. Advocate, with  
Mr. Babar Bilal, Advocate.

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

**ORDER**  
**18.09.2026**

1. The present petitions have been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator.
2. The parties in all the three petitions, being the descendants of Late Hira Lal Mehra, are same and are stated to be the partners of three firms run under the name and style of **Mehra Company, Mehra Textiles** and **Mehra Brothers**. It is stated that with regard to the said partnership businesses, three partnership deeds were executed in the year 1975, 1976 and in 1977. It is stated that due to armed insurgency in the Kashmir Valley, the petitioner left the Valley for a brief period and taking advantage of the same, the other partners turned dishonest and to usurp the share of the petitioner, they mismanaged the affairs of the firms causing loss to the petitioner. The petitioner, accordingly, after obtaining legal advice in the matter, filed an application seeking appointment of an arbitrator before the Court of Principal District Judge, Srinagar. The application/ petition was prosecuted by the petitioner till 2022 when, on change of counsel, he was

advised by the new counsel that petition is not maintainable and, accordingly, sought withdrawal of the petition with liberty to file fresh. However, the court dismissed the petition seeking appointment of arbitrator vide order dated 19.12.2022 being not maintainable and the Court lacks jurisdiction to entertain the same. The petitioner challenged the order dated 19.12.2022 by filing a review petition before this Court which came to be dismissed. It is further submitted that all the three partnership deeds contains an arbitration clause, as such, these petitions are filed seeking appointment of an arbitrator to adjudicate upon the disputes arisen between the parties.

3. Pursuant to the notice issued by this Court, the respondents though caused appearance but no reply/ response has been filed on their 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 and being time barred, it is submitted that respondent be granted liberty to raise all possible pleas/ objections before the arbitral tribunal/ arbitrator in this regard.

The learned senior counsel for the respondents submits that Arb P No.11/2024 shall be confined to **Mehra Brothers** only and in response thereto the learned counsel for the petitioner submits that he has no objection to the same. Accordingly, Arb P No.11/2024 shall be confined to **Mehra Brothers** only.

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, Mr. Aijaz Ahmad Mir, Retired District and Sessions Judge, is appointed as the sole arbitrator in all the three petitions. 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 respondents

are at liberty to raise all the objections as regards the subject matters before the learned Arbitrator.

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

**(DR. PUSHPENDRA SINGH BHATI)**  
**CHIEF JUSTICE**

**Srinagar**  
**18.09.2026**  
Abdul Qayoom, Secy.

