

IN THE HIGH COURT OF BOMBAY AT GOA

APPLN. FOR APPOINTMENT OF ARBITRATOR NO. 26 OF 2015

MR. CARLOS SANTANA DE BRAGANZA AND
ANR.,

... Applicants

Versus

MR. N. M. BHASHYAM.

... Respondent

Mr. J. Abreu Lobo, Advocate for the Applicants.

Coram:- F. M. REIS, J.

Date:- 18th December, 2015

P.C.:

Heard Mr. J.A. Lobo, the learned Counsel appearing for the applicants. None for the respondent, though served.

2. This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.

3. The records reveal that applicants had filed the suit in the Court of Civil Judge, Junior Division, Panaji wherein the respondent had filed an application under Section 8 of the Arbitration and Conciliation Act, 1996, inter alia, contending that the dispute raised in the suit was covered by the arbitration agreement. The learned Judge by order dated 6/02/2013 allowed the said application. Thereafter, though the applicants served the notice on the respondent to appoint an Arbitrator, nevertheless, the parties could not reach at

an agreement to appoint an Arbitrator.

4. On going through the agreement executed between the parties, I find that, the fact that there is an arbitration clause in the agreement between the parties cannot be disputed. Apart from that, the respondent himself raised this contention whilst filing an application under Section 8 of the Arbitration and conciliation Act, 1996 and, as such, there is no reason to refuse the relief sought by the applicants to appoint the Arbitrator.

5. In view of the above, I pass the following order:

O R D E R

(i) Mr. Justice N.A. Britto, retired Judge of this Court is appointed as sole Arbitrator to adjudicate on the dispute between the parties.

(ii) All contentions of the parties are left open.

6. Application stands disposed of.

F. M. REIS, J.

NH