

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.12 OF 2014
IN
ARBITRATION PETITION NO.59 OF 2009**

In the matter of

M/s. Seema Constructions .Applicants
through its partners

Between

M/s. Seema Constructions .Petitioner
through its partners

v/s.

Sumant Dattatray Raut .Respondents
(Since deceased) through Lrs.

Mr.D.S.Pagare, Advocate, for the Petitioner
None for the Respondents

CORAM : A.A.SAYED, J.

DATE : 18.06.2015

P.C.

. The Civil Application is taken for
appointment of substitute arbitrator.

2. By an order dated 30.09.2010, this

Court had appointed Shri Vijay N. Agashe as the sole arbitrator to adjudicate the disputes and differences between the parties.

3. The arbitration proceedings had commenced before the said arbitrator. However, by letter dated 03.01.2014 Shri Vijay N. Agashe has withdrawn as arbitrator.

4. Learned counsel for the petitioner states that though the petitioner has suggested the name of the substitute arbitrator, he leaves it to the Court to appoint any substitute arbitrator. None appears for the Respondents though served.

5. In the circumstances, the following order is passed:

(i) Shri Sadashiv S. Deshmukh, District & Sessions Judge (Retd.) is appointed as a

arbitrator to adjudicate the disputes and differences between the parties under the Arbitration & Conciliation Act, 1996. The arbitration proceedings shall be continued and shall not start afresh.

(ii) The Registrar(Judl.) is directed to forward a copy of this order to Shri Sadashiv S. Deshmukh together with a Memorandum containing the addresses of the parties. Learned counsel for the petitioner states that he would also communicate this order to the arbitrator and the respondents.

6. The petition is disposed of in the aforesaid terms.

(A.A.SAYED, J.)