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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.47 OF 2015

|                                 |               |
|---------------------------------|---------------|
| Shree Venkatesh Films Pvt. Ltd. | ...Applicant  |
| V/s.                            |               |
| Samir Karnik                    | ...Respondent |

Mr.Manish Rai for the Applicant.

None for the Respondent.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 14TH OCTOBER, 2015.**

**P.C. :-**

1. Learned counsel appearing for the applicant tenders affidavit of service and submits that the respondent has been served by substituted service by publication of notice in the newspaper. The affidavit of service is taken on record . None appeared for the respondent though served. No affidavit in reply has been filed.

2. By this application filed under section 11(6) of the Arbitration & Conciliation Act, 1996 (for short "Arbitration Act") the applicant has invoked arbitration agreement recorded in clause 14 of the arbitration agreement dated 27<sup>th</sup> December, 2010. Dispute arose between the parties. The applicant issued a notice on 24<sup>th</sup> December, 2013 invoking the arbitration agreement and suggesting the name of

a counsel practicing in this Court. There is no response to the said notice. Since the respondent has not nominated any arbitrator, this application filed under section 11(6) of the Arbitration Act is maintainable. A perusal of the Distribution Agreement dated 27<sup>th</sup> December, 2010 indicates that the arbitration agreement exists between the parties.

3. Mr.Naushad Engineer, Advocate having his address at Lentin Chambers, 1<sup>st</sup> Floor, 1-D,Dalal Street, Fort, Mumbai – 400 023 is appointed as a sole arbitrator.

4. The arbitration application is disposed of in aforesaid terms. No order as to costs.

**(R.D. DHANUKA, J.)**