

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (ARB) NO.825 OF 2015

(DR. PUSHPA DR. SHASHIKUMAR PRADHAN...VS..M/S. AVINISHA CONSTRUCTIONS.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Masood Shareef, Advocate for applicant/Petitioner.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 04, 2015.

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of arbitrator to resolve the dispute between the parties. The learned advocate has pointed out Clause 27 of the agreement dated 13th June, 2005 and has submitted that the dispute raised, falls within the purview of arbitration.

It is submitted that there has been exchange of notices between the parties and the non-applicant suggested the name of Shri Nandkumar M. Deshmukh, Advocate as an Arbitrator, however, the applicant is not agreeable for the said appointment.

I find that as per Clause 27 of the agreement each party has to appoint arbitrator on the panel of two arbitrators.

The learned advocate for the applicant has not been able to show that any steps have been taken by the applicant in consonance with Clause 27 of the agreement. In these facts, the application as filed by the applicant is premature.

At this stage, the learned advocate for the applicant, on instructions, seeks permission to withdraw the application with liberty to take appropriate steps as per Clause 27 of the agreement with liberty to approach this Court, if required.

The application is **disposed of** as withdrawn with liberty as prayed for.

JUDGE

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