

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ARBITRATION APPLICATION NO. 8 OF 2015

Suhas Bhanudasrao Jadhav

..PETITIONER

VERSUS

Dhnanjay Ramkrushna Deshmukh and Another

..RESPONDENTS

....

Mr. S.P. Urgunde, Advocate for petitioner.

Mr. H.V. Patil, Advocate for respondents.

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CORAM : T.V. NALAWADE, J.

DATED : 23rd NOVEMBER, 2016

ORDER :

1. The application is filed under Section 11 of Arbitration and Conciliation Act, 1996. Both sides are heard.

2. Copy of partnership agreement is on the record showing that at Clause 16, there is provision made for referring the dispute to the arbitrator. The clause is as under:-

“If there is dispute amongst the partners, the dispute will be referred as provided under the Arbitration Conciliation Act, 1940 to the Arbitrator Tribunal.”

3. When the agreement was made in the year 2010, present Act was in force and so it can be said that provisions of present Act are applicable. Learned Counsel for respondent submitted that there was dissolution of partnership and document in that regard bears signatures of applicant and there is also record to show that accounts were settled and affidavit was sworn before the notary public. This record would be considered by arbitrator as said record is disputed by present applicant. It is up to the Arbitrator to decide the said dispute also.

4. Learned Counsel for respondent places reliance on case reported as **2010 AIR SCW 331 (N. Radhakrishnan Vs. M/s Maestro Engineers and Others)**. The facts of the reported case were totally different. Further, there are provisions in the Arbitration Act itself to decide few such points mentioned in the said Act. In view of this circumstance, this Court holds that Arbitrator needs to be appointed. As per the record prepared by this Court like list of names of retired District Judges of this region, there are four names available. Mr. R.Y. Shaikh is hereby appointed as Arbitrator. Parties to appear before him on 09th December, 2016.

(T.V. NALAWADE, J.)

SSD