

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 459 OF 2016

Bajranglal Eriwal & Ors. Petitioners

VERSUS

Sagarmal Chunilal & Anr. Respondents

Mr.Ajay Panicker, i/b. Ajay Law Associates for the Petitioner.

Mr.Swapnil Bangur, i/b. Mr.Y.R.Shah for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 9th JUNE, 2016

P.C.

A perusal of the record indicates that before filing this petition under section 11 read with section 15 of the Arbitration Act, the applicants have not issued fresh notice for appointment of the learned arbitrator in view of the vacancy having arisen in view of the resignation of the erstwhile arbitrator. In my view the arbitration application is thus premature and is accordingly rejected.

2. It is made clear that the applicants are at liberty to file a fresh application for appointment of substituted arbitrator under section 11 read with section 15 after 30 days notice is issued by the applicants upon the respondents for appointment of arbitrator and if respondents refuse to agree on the name suggested by the petitioners or there is any disagreement on the names of the arbitrator.

[R.D. DHANUKA, J.]