

IN ITS COMMERCIAL DIVISION

Ashok Meherchand Gupta .....Plaintiff

V/s.

M/s.Silk Soie Seide Corporation & Anr. ....Defendants

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Mr.Aniruddha Lad i/by BJ Law Offices LLP for the plaintiff.

Ms.Bindi Dave a/w Ms.Ieshna Sinha i/by Wadia Ghandy & Co. for the  
defendant no.2.

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**CORAM : K.R.SHRIRAM,J**

**DATE : 20.12.2016**

**P.C.:-**

1           The plaintiff and the defendant no.2 are partners of defendant no.1-firm. Disputes arose between the two partners and the plaintiff filed this suit. This chamber summons is taken out by defendant no.2 to refer the plaintiff and defendant no.2 to arbitration in accordance with the arbitration agreement contained in clause-16 of the deed of partnership dated 11.10.1990. The counsel for the plaintiff also agrees that the disputes have to be referred to arbitration.

2           The counsel, by consent, request that the arbitrator be

appointed by the court. Mr.F.P.Puniwala, advocate, practicing in this court is, by consent, appointed as arbitrator and all disputes whatsoever arising out of or in connection with or with reference to the partnership deed be referred to the arbitrator.

3           The counsel for the plaintiff seeks leave be granted for the plaintiff to file such interim application before the arbitrator as advised. In my view, such a leave is not required.

4           In view of the above order, the counsel for the plaintiff seeks leave to withdraw the suit. Suit dismissed as withdrawn. Refund of court fees if any, in accordance with Rules. All interim applications stand disposed.

**(K.R.SHRIRAM,J)**