

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 218 OF 2015

Shriram Sitaram Patil

..... Applicant

VERSUS

M/s.S.N.Construction & Ors.

..... Respondents

Mr.D.G.Dhanure for the Applicant.

Mr.Kapil Shetye for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 4th MAY, 2016

P.C.

Pursuant to an order dated 22nd April, 2016 passed by this court Shri Justice Pramod D.Kode, former Judge of this court has filed a disclosure statement as per section 11(8) read with section 12(1) of the Arbitration and Conciliation Act, 1996.

2. Learned counsel appearing for the respondent no.3 invited my attention to the affidavit in reply filed by the respondent no.3 affirmed on 15th September, 2015 contending that his client was not a party to the retirement deed. The learned counsel appearing for the applicant states that though respondent no.3 was not a party and signatory to the deed of retirement under which the applicant has invoked the arbitration agreement, he had issued a cheque of Rs.3,50,000/- dated 31st December, 2001 and has thus acted upon the said retirement deed. There is no dispute that the deed of retirement was executed on 26th October, 2001. Since the respondent no.3 was not a party and signatory to the retirement deed, the dispute if any against the respondent no.3 cannot be referred to arbitration by invoking arbitration agreement recorded in the retirement deed. It is made clear that the

applicant can adopt appropriate proceedings against the respondent no.3 if there is any independent cause of action against the respondent no.3.

3. The disclosure statement filed by Shri Justice Pramod D.Kode, former Judge of this court is accepted. Shri Justice Prampd D.Kode, former Judge of this Court is appointed as a sole arbitrator. It is made clear that the matter is referred to the arbitration only in respect of the dispute between the applicant and the respondents excluding respondent no.3. Arbitration petition is disposed of in the aforesaid terms. No order as to costs.

4. Hearing of the arbitral proceedings is expedited. The learned arbitrator shall make an endeavour to dispose of the arbitral proceedings within one year from the date of filing of the pleadings by the parties.

[R.D. DHANUKA, J.]