

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 6 of 2015**

M/s. K.I. Associates Through Its Proprietor Smt. Rashmi dubye, A/37, Raghu Chhaya, Priyadarshni Nagar, Bilaspur, P.S. - Civil Lines, District Bilaspur (C.G.)

---- Applicant**Versus**

Divisional Railway Manager, Bilaspur division of South East Central Railway, Bilaspur (C.G.)

---- Respondent

For Applicant: Mr. Sanjay Patel, Advocate.
For Respondent : Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/05/2017**

(1) Heard on I.A. No. 5, application under section 40 of the Arbitration & Conciliation Act, 1996.

(2) This application has been filed stating that proprietor of firm was died on 12.04.2015 and the proprietorship was converted into partnership firm and, therefore, the other partner Smt. Rashmi Dubey be impleaded as party applicant.

(3) Per contra, learned counsel for the respondent would submit that Section 40 of the Arbitration & Conciliation Act, 1996 would not be applicable in the present case. He submits that applicant firm was the proprietor firm and, therefore, its legal representative can continue the arbitration application.

(4) In view of above, counsel for the applicant would submit that he may be permitted to withdraw this arbitration application with liberty to file duly constituted application through its legal representative.

(5) Accordingly, arbitration application is dismissed as withdrawn with the liberty as aforesaid.

(6) Registry is directed to return the arbitration agreement on counsel's furnishing authenticated true copy of the same.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-