

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Arbitration Application No.2 of 2017

1. Dr.Manoj Kumar Chellani, aged about 45 years, S/o Vijay Kumar Chellani, R/o House No.C-9, Ashok Ratan, Vidhan Sabha Road, Shankar Nagar, Khamardih, Raipur
2. Dr.Smt.Manju Chellani, aged about 40 years, W/o Manoj Kumar Chellani, R/o House No.C-9, Ashok Ratan, Vidhan Sabha Road, Shankar Nagar, Khamardih, Raipur

----Applicants

Versus

1. Dr.Lalit Kumar Agrawal, S/o Shri Mani Ram Agrawal, Arogya Niketan Hospital, Agrasen Ward Ambikapur, Distt.Sarguja
2. Dr.Smt.Kiran Agrawal, Dr.Lalit Kumar Agrawal, Arogya Niketan Hospital, Agrasen Ward, Ambikapur, Distt.Sarguja

---- Respondents

For Applicants : Mr.Parag Kotecha, Advocate
For Respondents : Mr.C.J.K.Rao, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/5/2017

1. The applicants have filed this application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as "Act of 1996") for appointment of arbitrator to resolve the dispute arisen between the parties.
2. The applicants and the respondents had mutually agreed to install plant and machinery for the purpose of ICSI Test Tube Baby Centre at Ambikapur in the name of M/s Aayush ICSI Teste Tube Baby Centre. Both the parties entered in a

partnership deed dated 28.7.2015 under the provisions of the partnership Act. In course of execution of that partnership, disputes have arisen between the parties and dispute is arbitrable. There is valid and enforceable agreement between the parties and there is live dispute between the parties arising out of the said partnership deed and admittedly and undisputedly, this High Court is an appropriate High Court to appoint the Arbitrator.

3. After hearing learned counsel for the parties, this Court is of the considered opinion that this Court is an appropriate High Court to appoint arbitrator under Section 11 (6) of the Act of 1996 and there is valid and enforceable arbitration agreement between the parties and live claim exists to be adjudicated by the arbitrator, therefore, I deem it appropriate to appoint Hon'ble Shri Justice V.K. Shrivastava, Former Judge of this Court, Ware House Road, Bilaspur as sole arbitrator to resolve the dispute arisen between the parties. He would decide the dispute as per provisions of the Act of 1996.
4. Arbitration Application is allowed to the extent indicated hereinabove. Registry is directed to communicate this order to Hon'ble Shri Justice V.K. Shrivastava, Former Judge of this Court for further needful action.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-