

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ARBITRATION APPLICATION NO. 5 OF 2011

BHIMRAO BASWANTRAO PATIL AND ORS

VERSUS

ANOOP PRAKASHCHANDRA GARG AND ORS

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Mr. S. B. Talekar, Advocate for applicant.
Mr. L. D. Vakil, Advocate for respondent Nos.3 & 4
Mr. A. S. Bajaj, Advocate for respondent No.1
Mr. G.K. Thigale, Advocate for respondent No.2
Respondent Nos.5 and 6 served.

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 14th JULY, 2017

ORDER :

1. Heard learned counsel for applicants. None for the respondents. On the last occasion as well there has been no appearance on behalf of the respondents, and the Court had observed that the matter would be proceeded with in the absence of respondents. Under Order dated 13th January, 2017, Hon'ble Justice Mr. P. V. Hardas (Rtd.) had been appointed as Arbitrator. The court had further observed that, if he is not in a position to accept the appointment there would be new name. Hon'ble Justice Mr. P.V.Hardas (Rtd.) expressed his inability to accept the appointment under his communication dated 28th April 2017. In the circumstances the matter has been placed before this court on

23-06-2017. On that day none had appeared for the respondents, and the matter was got adjourned on 07-07-2017. On 07-07-2017 again the matter had been adjourned for non-appearance with observation referred to herein above. Learned counsel for the petitioner places on record the communication addressed to the lawyers suggesting any one of the three names for appointment as Arbitrator, which is stated to have been served on 03-07-2017. While Hon'ble Justice Mr. Hardas (Rtd.) not being able to accept appointment, order dated 13th January, 2017, refers to that there would be new name. It appears that, non-appearance on behalf of respondents suggests there is no resistance to any of the suggested names under the communication. It is being stated that, Hon'ble Chief Justice Mr. J. N. Patel (Rtd.) has been accepting the Arbitration proceedings. In the circumstances, the Hon'ble Chief Justice Mr. J.N. Patel (Rtd.) may act as an Arbitrator in the place of Hon'ble Justice Mr. Hardas (Rtd.). The name of Hon'ble Chief Justice Mr. J. N. Patel stands as such replaced, and the order dated 13th January 2017 stands modified accordingly.

[SUNIL P. DESHMUKH, J.]

vjg/-