

IN THE HIGH COURT OF BOMBAY AT GOA
APPLN. FOR APPOINTMENT OF ARBITRATOR NO. 13 OF
2017

SHRI. SANJAY A. RAIKAR AND 3 ORS., ... Applicants
Versus
SHRI. UPENDRA A. RAIKAR AND ANR., ... Respondents

Mr. Sudesh Usgaonkar and Ms. Marie R. Pereira, Advocates for the applicants.
Mr. A. D. Bhobe and Ms. Shradha Bhobe, Advocates for the respondents.

Coram:- F. M. REIS, J.

Date:- 4th August, 2017

P.C.:

Heard Mr. Sudesh Usgaonkar, learned Counsel appearing for the applicants and Mr. A. D. Bhobe, learned Counsel appearing for the respondents.

2. This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator. The fact that there is a dispute between the parties in connection with the dissolution of the subject partnership which is covered by the arbitration clause existing in the partnership deed, is not in dispute. The learned Counsel appearing for the applicants points out that for the dissolution of the partnership, the accounts would have to be drawn by an Accountant. But, however, Mr. Bhobe, learning Counsel appearing for the

respondent points out that these aspects can be examined by an arbitrator, in accordance with law.

3. As there is an arbitration clause in the partnership agreement and the dispute has arisen between the parties based on such an agreement, I find that the applicants are entitled to get an arbitrator appointed to decide the disputes between the parties, as no arbitrator was appointed in terms thereof despite of a notice served on the respondents.

4. Hence, I pass the following :

O R D E R

Shri Desmond D'Costa, former Principal District Judge, South Goa, Margao is appointed as the sole Arbitrator to adjudicate the disputes between the parties, in accordance with law.

F. M. REIS, J.

ssm.