

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 80 OF 2017

Smt. Madhuri Subhash Sangle
& Ors.

....Petitioners

Vs.

Shri Tejpal Navalmal Jain (HUF),
through Karta,
Mr. Tejpal Navalmal Jain & Ors.

....Respondents

Mr.S.R.Nargolkar i/b S.A. Sangle for petitioners.

Mr.Sumit Kothari for respondent No.1.

CORAM : K.R.SHRIRAM, J.

DATE : 24th NOVEMBER, 2017

P.C.:

1 Shri Nargolkar appearing for petitioner and Shri Kothari for respondent no.1 state since arbitration clause provides for mediation first and then arbitration, to save time and costs, the person who will be appointed as Mediator, by consent of parties, may, should the need arise, also continue as Sole Arbitrator. Both counsel suggest that Shri Justice A.R. Joshi (Retd.) be appointed as Mediator in the first place and to continue as Sole Arbitrator, should the need arise.

2 Therefore, by consent of the parties, the following order is passed :

- (a) Shri Justice A.R.Joshi, Former Judge of this Court,
having office at Plot No. 103, “CHAITANYA” Bungalow,

Indrayani Colony, Chakan Road, Talegaon Dabhade, District Pune – 410 506, Mobile No. 9967310555, Email Id : arjoshi53@gmail.com is appointed as Mediator to mediate on all disputes between petitioners and respondents.

If Shri Justice Joshi (Retd.) is not able to complete the mediation process within a period of six weeks from the time of receiving a copy of this order, unless extended by the parties, by consent, Shri Justice A.R. Joshi (Retd.) will step in as Sole Arbitrator to arbitrate on all disputes and differences between the parties, including counterclaim, if any, arising out of, or in connection with or relating to Partnership Deed dated 30th April 2008 read with Partnership Deeds dated 14th August 2009 and 31st December 2009 and/or any other Partnership Deed/Retirement Deeds between the parties.

(b) Once Shri Justice A.R.Joshi (Retd.) enters into reference as an Arbitrator, within two weeks thereof, Shri Justice Joshi (Retd.) shall file with the parties, a declaration in writing as required under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996.

(c) Fees of Shri Justice Joshi (Retd.) to be fixed by him. The fees, administrative expenses, typing charges, venue charges etc.

(costs) shall be shared equally between parties, i.e., 50% by petitioners and 50% by respondents. The costs of arbitration proceedings will be costs in the arbitral proceedings.

3 Mr.Kothari states that he has already filed Vakalatnama on 18th November 2017 in the registry. Statement accepted.

4 Arbitration Petition disposed.

(K.R. SHRIRAM, J.)