

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.137 OF 2014**

Pushpa Makharia

....Applicant

Vs.

Trivenidevi Radhakrishna Makharia & Ors.

....Respondents

Mr. Naushad Engineer a/w. Mr. Anup Khaitan i/b. Anup Khaitan and Co. for applicant.

Mr. Shanay Shah a/w. Mr. Rohaan Cama i/b. Mr. Gobinda Chandra Mohanty for respondent no.2.

Mr. Ishwar Ahuja i/b. Thakordas Madgavkar for respondent no.3.

CORAM : K.R.SHRIRAM, J.

DATE : 2nd NOVEMBER, 2017

PC.:

1 The counsel for applicant and respondents state that their respective clients are ready and willing to go for arbitration to resolve all disputes and differences arising out of or in connection with or relating to Deed of Partnership dated 21st February, 2008. The counsel jointly request that Mr. Yash R. Kapadia, an Advocate practicing in this Court, be appointed as Arbitrator.

2 Accordingly, Mr. Yash R. Kapadia, an Advocate, is appointed as Sole Arbitrator. The fees of the Arbitrator, administrative expenses, typing charges and venue charges to be shared equally between the parties, i.e., 1/3rd by applicant, 1/3rd by respondent no.2 and 1/3rd by respondent no.3 and the same shall be subject to cost in the arbitral proceedings.

3 Mr. Shah, on instructions states that respondents will not raise the issue of arbitrability or the correctness of the service invoking or regarding the invocation of arbitration. All other rights and contentions of the parties are kept open.

4 The Arbitrator within three weeks from today shall address a communication to the Advocates for applicant and Advocates for respondents as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996.

5 Liberty to apply.

6 Application accordingly stands disposed.

(K.R. SHRIRAM, J.)