

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 1261 OF 2015**

Mohamed Ali Gheewala (Deleted) since ...Petitioner
deceased, Through Rehana Mohamed Ali
Gheewala

Versus

Gulam Ali Gheewala and Ors ...Respondents

**ALONGWITH
ARBITRATION APPLICATION LODGING NO. 782 OF 2017**

Rehana Mohamed Ali Gheewala ...Applicant

Versus

Gulam Ali Gheewala and Ors ...Respondents

Mr. Chetan Kapadia a/w. Vinod Kothari I/b. Apex Law Partners
for the Petitioner.
Mr. Ajay Basutkar for the Respondents.

**CORAM: G.S. KULKARNI, J.
DATED: 18th September, 2017**

PC:-

1. The learned counsel for the parties have tendered minutes of the order by which the parties have agreed to refer the disputes and differences between the parties to be adjudicated by a sole

arbitrator. Accordingly, the parties have proposed to appoint Mr. Justice F.I. Rebello (Retired) as a sole arbitrator to arbitrate the disputes between the parties. It is also agreed between the parties that the petition being Petition No. 1265 of 2015 filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'the Act') shall be treated as a petition under Section 17 of the Act and to be decided by the learned sole arbitrator.

2. The Court accordingly proposes Mr. Justice F.I. Rebello (Retired) as a sole arbitrator to adjudicate the dispute between the parties. In the first instance, the proposed arbitrator shall make a disclosure in terms of Section 11(8) read with Section 12(1) of the Act and thereafter enter upon the reference. In the event, the disclosure is not made within a reasonable time or the disclosure records the inability of the proposed arbitrator to act as such, it will be open to the parties to apply to this Court for modification of this order. The parties will appear before Mr. Justice F.I. Rebello (Retired) on a date to be fixed by him which will be informed to the parties atleast 15 days in advance. The disclosure be also forwarded by the learned arbitrator to the Prothonotary and Senior Master of this Court.

3. Both arbitration petition as well as arbitration application are disposed of in the above terms. No order as to costs.

4. Ad-interim reliefs granted in the order dated 05/05/2015, shall continue to operate till the Section 17 proceeding are concluded.

(G.S. Kulkarni, J.)