

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****ARBITRATION PETITION NO. 553 OF 2017****Kantilal B.Shah alias Ladhani & Ors. Petitioners****VERSUS****V.C.Shah & Ors.****..... Respondents**

Mr.Mayur Khandeparkar, a/w. Ms.Krishna Raja, i/b. LJ Law for the Petitioners.

Mr.T.N.Subramaniun, Senior Advocate a/w. Mr.Chetan Yadav, Ms.Tanvi Gandhi, Ms.Nupur Desai, Ms.Khyati Sheth, i/b. Markand Gandhi & Co. for the Respondent nos. 2 to 6.

CORAM : R.D.DHANUKA, J.**DATE : 24th NOVEMBER, 2017****P.C.**

Mr.Khandeparkar, learned counsel appearing for the petitioners on instructions states that his clients unconditionally withdraw all the personal allegations including the allegations of bias made against the respondent no.1 in the arbitration proceedings and also in the correspondence. He however states that all the allegations and contentions raised by the petitioners against respondent no.1 relating to the dispute which are the subject matter of the arbitral proceedings and other pending proceedings are kept open.

2. Mr.Subramaniun, learned senior counsel for the respondent nos. 2 to 6 states that all the contentions raised by his clients dealing with the allegations and the contentions raised by the petitioners against the respondent no.1 and his clients are also kept open. Statements made by the learned counsel for the parties are accepted.

3. In view of the statements made by the learned counsel for the parties as recorded aforesaid and in view of the parties seeking appointment of the substituted arbitrator, the mandate of the respondent no.1 is terminated. By consent of parties, Mr.Karl Tamboli, a counsel of this Court is appointed as a sole arbitrator in place of the erstwhile arbitrator.

4. Learned arbitrator shall fix a schedule of filing pleadings, documents etc. and the dates of hearing. Both the parties through their respective parties have agreed to co-operate with each other and with the learned arbitrator in disposing the proceedings expeditiously and will not seek any unnecessary adjournments before the learned arbitrator. Statements made by the learned counsel are accepted. The learned arbitrator shall not grant any unnecessary adjournments to any of the parties.

5. Mr. Subramaniun, learned senior counsel for the Respondent nos. 2 to 6 on instructions states that his clients have already filed the statement of claim along with the documents before the respondent no.1 in the earlier proceedings. Mr.Khandeparkar, learned counsel for the petitioners states that his clients will not raise any objection about the delay if any, in filing file statement of claim along with the documents by the respondents. Statement is accepted.

6. Arbitration petition is disposed of. No order as to costs.

(R.D.DHANUKA, J.)