

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

MISC. CIVIL APPLICATION NO. 634 OF 2016

(Dattatray Gopalkrishna Naidu and anr vrs. M/s. Royal Associates and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A.B.Pannase, Advocate for applicant.

Ms. Muley, Advocate h/f Shri S.P.Bhandarkar, Advocate for non-applicants Nos. 1 to 3.

CORAM : PRASANNA B.VARALE, J.

DATED : 02.02.2017

Heard Mr. Pannase, the learned counsel for the applicant and Ms. Muley, the learned counsel holding for Mr. Bhandarkar, the learned counsel for the non-applicants.

Perused the order of this Court dated 18.07.2016. Perusal of the agreement of development and sale between the parties shows that Clause (22) deals with the arbitration clause. It refers to the arbitration of two arbitrators, one to be appointed by each party.

The communication/notice dated 04.04.2016 placed on record (Annexure-B) shows that the applicant made a reference to arbitrator appointed by him viz. Shri Manoj Gopalkrushna Naidu, R/o. Nagpur.

The learned counsel Ms.Muley inviting my attention to the reply filed by the non-applicants, submits that without prejudice to the rights of the non-applicants, the non-applicants are also proposing the

name of arbitrator of their choice Shri Dhanjanjay Balwantrao Bapat, R/o. Nagpur, as the second arbitrator in the panel of arbitrator to decide the arbitration proceedings.

As both the parties are in agreement to refer the matter to the arbitrators in compliance of Clause (22) of the agreement, the matter is referred to the panel of arbitrators namely Shri Manoj Gopalkrushna Naidu and Shri Dhananjay Balwantrao Bapat. The parties to abide by the terms fixed by the panel of arbitrators. The parties to deposit the process fee of Rs.25,000/- for each arbitrators.

Application stands disposed of.

JUDGE

Rvjalit