

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT T.RAJANI

CIVIL REVISION PETITION No.5064 of 2014

Date:27.01.2017

Between.

Hari Mohan,
S/o Ramnivas Rander

..... Petitioner

And.

M/s Idea Cellular Limited,
reptd by its GPA Holder and Senior
Manager(Legal)-B.Arun Madhav

.....Respondent

Counsel for the petitioner: Mr. Ghanshyamdas Mandhani

For Mr. Bankatlal Mandhani

Counsel for the Respondent: Mr. Balaji Medamalli

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Revision Petition arises out of order, dated 24.10.2014, in I.A.No.179 of 2012 in O.S.No.903 of 2010 on the file of the learned Additional Judge-cum-VI Senior Civil Judge, City Small Causes Court, Hyderabad.

We have heard the learned counsel for both the parties and perused the record.

The petitioner filed the afore-mentioned suit for passing a decree for Rs.5,77,596/- together with interest at the rate of 12% per annum from the date of the suit till the date of realization. The respondent entered appearance in the suit and remained *ex parte*. It has filed I.A. under Section-8(5) of the Arbitration and Conciliation Act, 1996 for referring the subject matter of the suit to arbitration in pursuance of the arbitration clause contained in the agreement, dated 31.10.2006, between the parties. While not denying the existence of arbitration clause, the petitioner, however, resisted the said application of the respondent on the sole ground that the arbitration clause does not envisage appointment of an independent Arbitrator and instead, it enabled the respondent to appoint its own employee as an Arbitrator, who may not maintain impartiality while adjudicating the dispute. The lower Court rejected the said objection and allowed I.A.No.179 of 2012 by order, dated

24.10.2014, challenging which, the present Civil Revision Petition is filed by the plaintiff.

During the hearing of this case, this Court suggested that since the objection of the petitioner is only confined to the appointment of the respondent's employee as arbitrator, he is agreeable for appointment of an independent Arbitrator. The learned counsel for the respondent suggested Mr. M.Bhaskar, District Judge (Retired) as Arbitrator. In order to ascertain the willingness of the said person and also that of the respondent, we have adjourned the case.

Today, Mr. Balaji Medamalli, the learned counsel for the respondent, placed before us letter, dated 23.01.2017, of Mr. M.Bhaskar, District Judge (Retired) expressing his willingness to act as sole Arbitrator. Mr. Ghanshyamdas Mandhani, learned counsel representing Mr. Bankatlal Mandhani, learned counsel for the petitioner, submitted that his client has no objection for Mr. M.Bhaskar, District Judge (Retired) to be appointed as sole Arbitrator.

In the light of the consensus reached between the learned counsel for the parties as above, the Civil Revision Petition is disposed of by modifying the order, dated 24.10.2014, in I.A.No.179 of 2012 in O.S.No.903 of 2010 on the file of the lower Court only to the extent of replacing the company's

Arbitrator of the respondent with that of Mr. M.Bhaskar, District Judge (Retired) to act as sole Arbitrator. The terms of fees and expenses are left to be fixed by the said Arbitrator in accordance with law after notice to both the parties.

As a sequel to disposal of the Civil Revision Petition, CRPMP.No.976 of 2016 filed by the petitioner for interim relief stands disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

27th January, 2017

DR

