

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 57 OF 2018

Sangram Narayan Harihar and Anr. ... Petitioners

Versus

Madhuri Subhash Sangle and Ors. ... Respondents

ALONG WITH
ARBITRATION PETITION NO. 100 OF 2018

Mr.Sumit Kothari for the Petitioners.

Mr.P.K.Dhakephalkar, Sr. Adv. I/b. Mr. Hemant Ghadigaonkar for Respondent Nos. 1 and 2.

None for Respondent No.4.

Mr.T.M.Dubey for Respondent Nos. 5 and 7.

CORAM : S.J. KATHAWALLA, J.
DATED : 17TH DECEMBER, 2018

P.C.:

1. Respondent No. 4 has repeatedly remained absent despite service.
2. Heard the learned Advocates appearing for the Petitioners, Respondent Nos. 1, 2, 5 and 7 and the following Order is passed by consent :
 - i. The Order dated 24th November, 2017 in which certain Arbitration Agreements have been left out, is set aside.
 - ii. Mr.Justice A.R. Joshi, Former Judge of this Court, is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Partnership Deed dated 30th April, 2008 read with Partnership Deeds dated 14th August, 2009, 31st December, 2009, 2nd April, 2011 and 12th October, 2012.

- iii. Mr.Justice A.R. Joshi, Former Judge of this Court, shall submit his disclosure under Section 11 (8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 on 22nd December, 2018.
 - iv. The learned Arbitrator shall pass his Award within a period of one year from today.
 - v. All contentions of the parties are kept open.
 - vi. The cost of arbitration shall initially be borne by the parties equally i.e. 50% by the Petitioners and 50% by the Respondents.
 - vii. The venue of the arbitration shall be at Pune.
3. A copy of this Order shall be forthwith served on the Respondent No. 4 by hand delivery by the Advocate for the Petitioners. It is clarified that in the event of Respondent No. 4 refuses to accept a copy of the this Order, the local police shall render all assistance to the Petitioners in serving a copy of this Order and to obtain his acknowledgment.
4. The above Arbitration Petitions are accordingly disposed off.

(S.J.KATHAWALLA, J.)