

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION APPLICATION NO.140 OF 2017

Virendra Natavarlal Bhayani	..Applicant
Vs.	
Nilesh Natvarlal Bhayani & Ors.	..Respondents

Mr.Amar Gharte for Applicant.
Mr.Gauraj Shah i/b. Mr. Tanmay Vispute for Respondent No.1.

CORAM : G.S. KULKARNI, J.

DATE : 22nd NOVEMBER, 2018

P.C.:

Learned Counsel for the applicant seeks leave to delete the names of respondent Nos.3 to 10. Leave is granted. Accordingly names of the respondent Nos.3 to 10 stand deleted. Necessary amendment be carried out during the course of the day.

2. By this application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the Act") the applicant prays for appointment of an Arbitrator to arbitrate the disputes that have arisen between the parties under the Partnership Deed dated 9 September 2006.

3. After the matter was heard on the earlier occasion, the applicant and the respondent No.1 have reached a consensus that an arbitrator be appointed to arbitrate the dispute between the parties. Accordingly,

Mr.Vishal V. Kanade, Advocate of this Court is appointed as an Arbitrator to arbitrate the disputes between the parties arising under the partnership deed dated 9 September 2006.

4. The learned Arbitrator before entering reference shall place on record a disclosure as per provisions of Section 11(8) read with Section 12(1) of the Act and provide a copy of the same to the parties.

5. At this stage, learned Counsel for the parties submit that earlier an attempt for settlement of the disputes was made in a mediation and although it had failed, however, the parties are agreeable to have another attempt of mediation, considering the relationship of the parties being real brothers. If that be so, the parties are at liberty to again request Mr.Naushad Engineer, Advocate of this Court who had entered mediation on an earlier occasion or any other mediator. Needless to observe that this shall be without prejudice to the rights and contentions of the parties.

6. The arbitration application is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]