

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

ARBITRATION PETITION NO.1245 of 2018 with
ARBITRATION APPLICATION (L) No.1495 of 2018

Dr.Prity Satra

.. Petitioner

vs

Vijay Panchal & ors

.. Respondents

Mr.P.G.Sabnis for Petitioner

Mr.Nikhil Wadikar with Mr.Nandu Pawar
for Respondent no.1

Ms.Rashmin Khandekar with Mr.Bhuvan Singh

I.b M/s Prime Legem for Respondent nos.2 and 3

Ms.Deepthi Panda with Ms.Akansha Patil I.b

M/s Narayanan & Narayanan for Respondent no.4

Coram : G.S.KULKARNI, J

Date : 29th NOVEMBER, 2018

P.C

Connected matter Arbitration Application (Lodging) No. 1495 of 2018 is not on board. At the request of learned counsel for the parties, Arbitration Application (Lodging) No. 1495 of 2018 is taken on board.

1. By this petition under section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the 'Act') the petitioner

has approached this Court seeking reliefs which are in the nature of interim measures, pending arbitration proceedings. The dispute between the parties arise under a deed of partnership dated 8.5.2008. There is also an application filed by the petitioner under section 11 (6) of the Act being Arbitration Application (Lodging) No.1495 of 2018 praying for appointment of an Arbitrator to arbitrate the dispute between the parties.

2. After having heard learned counsel for the parties for sometime, the parties are agreeable for the appointment of an Arbitrator for adjudication of the disputes, which have arisen between the parties. It is also agreed between the parties, that the present petition under section 9 of the Act can be treated as an application of the petitioner under section 17 of the Act, to be adjudicated by the proposed Arbitrator. In view of the above consensus between the parties, it is appropriate that this petition as also the Arbitration Application under section 11 (6) of the Act are disposed of by the following order :

ORDER

- (i) Shri Kamal Kumar Naulakha having address at 101, Yusuf Building, 43, Mahatma Gandhi Road, Flora Fountain, Fort, MUMBAI-400 023, Tel No. 2285 2300/10/20 Mobile No.98694 31440 is appointed as a prospective Arbitrator to adjudicate the

disputes between the parties under the deed of partnership dated 8.5.2008.

(ii) The prospective Arbitrator fifteen days before entering a reference shall make a disclosure as per requirement of section 11 (8) read with section 12 (1) of the Act, 1996 and shall forward a copy to the Prothonotary and Senior Master of this Court to be placed on record of this application as also be forwarded to the parties.

(iii) Arbitration Petition No.1245 of 2018 filed by the petitioner under section 9 of the Act shall be treated as an Application under section 17 of the Act to be adjudicated upon by the prospective Arbitrator.

(iv) The learned Arbitrator shall endeavour to adjudicate on the application of the petitioner under section 17 of the Act as early as possible and within a period of one month of the pleadings being completed.

(v) Needless to observe that this would not preclude the learned Arbitrator to consider any urgent reliefs.

(vi) At the first instance, the parties are directed to appear before the prospective Arbitrator on **5.12.2018** on a time as may be

fixed by the prospective arbitrator.

(vii) All contentions of the parties on merits of the matter are kept open.

The Petition and the Application are disposed of in above terms. No costs.

(G.S.KULKARNI, J)

corrected as per speaking to minutes order dated 11.12.2018