

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN**

**ARBITRATION APPLICATION No.37 OF 2018**

**ORDER:**

This is an Application for a measure under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. The Partnership Deed, dated 12.08.1981 as between the parties is placed on record. Clause 10 of that Partnership Deed contains the arbitration clause. It reads as follows:-

10. In case of disputes among the partners with regard to the conduct of the business or any terms of the partnership deed, the same shall be referred to a sole Arbitrator appointed with mutual consent of all partners.

3. The respondent has not contested the matter. No counter affidavit is filed. There is no dispute as to the existence of the arbitration agreement.

4. Under such circumstances, sole arbitrator is required to be appointed as it would be the requisite measure in terms of Section 11(6) of the Act.

5. In the result, the Arbitration Application is allowed appointing an Arbitrator.

6. Sri S.Bhujang Rao, Retired District and Sessions Judge, is appointed as the Arbitrator to arbitrate on the disputes between the applicants and the respondent and the said arbitrator shall enter on reference and proceed with, as enjoined by the Act.

No order as to costs. Miscellaneous applications, if any, pending in the Arbitration Application, shall stand closed.

**THOTTATHIL B. RADHAKRISHNAN, CJ**

10.08.2018  
Pln/vs