

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

ARBITRATION APPLICATION No.63 of 2012

ORDER:

This is an application seeking appointment of an Arbitrator and for requisite measure in terms of the provisions of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the A&C Act').

2. Clause 20 of the Partnership Deed, dated 01.10.2010, provides for arbitration. It reads as follows:

“20. Should any dispute or doubt or question arise between the Partners in respect of the Partnership or its affairs in respect of any matter touching the construction or interpretation of any matter of this Deed, the same shall be referred to arbitration in accordance with the Law of Arbitration in force and applicable.”

3. There is no response to the notice issued by the applicant calling upon the respondent to participate in arbitration. The applicant had nominated a sole Arbitrator.

4. There are no objections to this application either.

5. Considering the materials on record and hearing the learning counsel for the applicant, requisite measure to be taken is to appoint a sole Arbitrator.

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

7. Accordingly, Sri Justice P.Durga Prasad, a former Judge of this Court, is appointed as the Arbitrator to arbitrate on the

disputes between the applicant and the respondent, including the claims and counter claims of both sides. The said Arbitrator shall enter on reference and proceed with, as enjoined by the A&C Act.

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

THOTTATHIL B. RADHAKRISHNAN, CJ

14.09.2018
vs

