

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 212 of 2016 (O&M)
Date of Decision: 25.01.2018

Krishan Kumar Ganjoo and others

.....Petitioners

versus

Anil Kumar Jyotshi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, CHIEF JUSTICE

Present : Mr. Ashwani Talwar, Advocate with
Mr. Akshay Bansal, Advocate, for the petitioners.
Mr. Ashwani Kumar Chopra, Senior Advocate with
Ms. Rupa Pathania, Advocate, for the respondents.

S.J.VAZIFDAR, CHIEF JUSTICE

This is an application under section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator to adjudicate upon the disputes and differences between the parties.

2. The parties who are the members of the same family entered into an agreement dated 22.06.2000 to refer their existing differences to a named arbitrator. The learned arbitrator made an award dated 05.05.2012. The respondents' petition to set aside the award was dismissed. The respondents filed an FAO. The learned Single Judge of this Court by an order and judgment dated 01.06.2016 set aside the award but clarified that the parties would be at liberty to seek remedy in accordance with law for seeking appointment of an independent arbitrator.

3. Even assuming that I have the discretion to appoint another arbitrator, I do not see the purpose of doing so. The petitioners never raised a claim before the arbitrator. The respondents filed a statement of claim. The petitioners did not even file a reply thereof. Nor did they raise a counter claim. The respondents do not intend pursuing the claim. There is no reason, therefore, to appoint an arbitrator.

4. The petition is accordingly dismissed.

(S.J. VAZIFDAR)
CHIEF JUSTICE

25.01.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√