

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 32 OF 2019
IN
ARBITRATION PETITION NO. 44 OF 2019**

Rahul Devanand Ghule & Anr. ... Applicants
V/s.
Ganesh Sopanrao Ghule & Ors. ... Respondents

Ms. Sairuchita Chowdhary i/b. J. Shekhar & Co. for the applicants.
Mr. Tejas Kamble i/b. Chaitanya Nikte for the respondents.

**CORAM : G.S.KULKARNI, J.
DATE : 24th July, 2019**

P.C.:

By an order dated 11th February, 2019, this Court had appointed Justice S.R. Sathe, Former Judge of this Court to adjudicate the disputes and difference between the parties. Mr. Justice S.R. Sathe (Retd.) by letter dated 12th March, 2019 addressed to the Registry has expressed his inability to continue in the arbitral proceedings and intended to withdraw from the arbitration.

2. Accordingly, by order dated 26th June, 2019 notice was issued to the parties. The parties are today represented by their respective advocates.

3. Learned counsel for the parties agree that a substitute arbitrator is required to be appointed. Accordingly, the following order:

ORDER

- (i) Dr. Justice Smt. Shalini Phansalkar-Joshi, Former judge of this Court is appointed as an arbitrator to adjudicate the disputes between the parties.
- (ii) The learned prospective sole arbitrator, ten days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act,1996, to the Registrar (Judicial-I) of this Court, to be placed on record of this application with a copy to be forwarded to both the parties;
- (iii) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules,2018.
- (iv) At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today on a date which may be mutually fixed by the prospective sole arbitrator;
- (v) All contentions of the parties are expressly kept open;

- (vi) Civil Application is disposed of in terms of above order.
- (vii) Office to forward a copy of this order to the learned

Arbitrator on the following address:

Bungalow No. 12,
Bhagya Chintamani Society,
Opp. Kachra Depot, Paud Road,
Kothrud, Pune – 411 038.
(M) – 9657188676
E-mail : phansalkarjoshi@gmail.com

(G.S.KULKARNI, J.)