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

ARBITRATION PETITION NO.57 OF 2019

Virendra Pandurang Thorat	..Petitioner
Vs.	
Yashoda Pandurang Thorat & Ors.	..Respondents

Ms.Trupti Bharadi i/b. Mr.Kedar Patil for Petitioner.
Mr.R.S. Mirpuray with Mr.Abhishek Srivastava for Respondent Nos.1 & 2.

CORAM : G.S. KULKARNI, J.

DATE : 18th OCTOBER, 2019

P.C.:

Heard learned Counsel for the petitioner and learned Counsel for the respondents.

2. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the ACA") whereby the petitioner has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences between the parties which have arisen under the Memorandum of Family Arrangement dated 21 July 2010. The arbitration agreement between the parties is contained in clause No.21 of the Memorandum of Family Arrangement which reads thus:-

"21. If any disputes and differences of opinion arise out of this memorandum as to the meaning of any provision or interpretation thereof or in respect of any claim or demand the same shall be referred to Sole Arbitrator mutually appointed by the parties. The Arbitration proceedings shall be conducted at Pune as provided in the Arbitration and Conciliation Act, 1996. The decision of the Arbitrator shall be final and binding up the parties."

3. By a notice dated 24 August 2018 the petitioner invoked the arbitration agreement and requested the respondents for appointment of an arbitral tribunal. However as there was no favourable response from the respondents, the petitioner filed the present petition.

4. After this petition was heard for sometime, learned Counsel for the respondents on instructions submits that his clients are agreeable for referring the disputes by appointing an arbitral tribunal.

5. Considering the fair approach of the respondents, petition is required to be allowed by the following order:-

ORDER

(i) Mr.M.N. Godbole, Retired District & Sessions Judge, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Memorandum of Family Arrangement dated 21 July 2010;

(ii) The learned sole prospective arbitrator, 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, to be placed on record of this petition with a copy to be forwarded to both the parties;

(iii) At the first instance, the parties shall appear before the prospective arbitrator within 15 days from today on a date which may be mutually fixed by the prospective sole arbitrator;

(iv) All contentions of the parties on merits of the matter are expressly kept open;

(v) The petition is disposed of in the above terms. No costs.

(vi) Office to forward a copy of this order to the learned Arbitrator on the following address:

“address: 6, Krutangali Housing Society, 65/20, Erandawad
Law College Road, Pune – 400 004.
Contact No. 020-25432178 / 9850155322.”

[G.S. KULKARNI, J.]