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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION APPLICATION NO.318 OF 2018

Amritlal Devichand Jain	..Applicant
Vs.	
Pradeep Chandulal Jain	..Respondent

Ms.A. Agarwal i/b. Mr.Viral Vora for Applicant.
Ms.Urvi Shah with Ms.Bhairavi Pathak i/b. M/s. I.R. Joshi & Co. for
Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 12th MARCH, 2019

P.C.:

Heard learned Counsel for the applicant and learned Counsel for the respondent.

2. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the ACA") whereby the applicant has prayed for appointment of a sole arbitrator to adjudicate the disputes and differences between the parties which are stated to have been arisen under the Partnership Deed dated 27 October 2009. There is no dispute on the arbitration agreement between the parties which is contained in clause 21 of the Partnership Deed. There is also no dispute on the invocation of the arbitration agreement by the letter of the applicant's Advocate dated 16 May 2018.

3. After this application was heard for sometime, learned Counsel for the respondent on instructions submits that her clients are agreeable for referring the disputes between the parties to a sole arbitrator. In view of the above consensus between the parties, application is required to be disposed of. Hence, the order:-

ORDER

- (i) Mr.Ashish Kamath, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Partnership Deed dated 27 October 2009;
- (ii) The learned sole prospective arbitrator, fifteen 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 Prothonotary & Senior Master of this Court, to be placed on record of this application 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 disputes are expressly kept open;
- (v) The application 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: 51/52, Shanti Building, 6 Balaji Street, Fort,
Mumbai – 400 001.

Contact No. 22875210.

[G.S. KULKARNI, J.]