

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

A.A. No.38 of 2019

ORDER:

This Application is filed under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 by the Applicant herein seeking appointment of Arbitrator to adjudicate the disputes between the applicant and the respondent pursuant to the partnership deed dt.18.07.2014 entered between the Applicant and the respondent.

2. Notice in this Application was directed to be taken out by the Applicant to the respondent and the said notice has been returned as “unclaimed”. Therefore, it is deemed to be served.

3. According to the petitioner, on 31.03.2019 petitioner had issued legal notice to the respondent invoking the Arbitration clause No.16 in the partnership deed and proposing the name of a counsel by name Nizampur Chandrashekar as sole Arbitrator.

4. The respondent issued a reply notice on 07.04.2019 disputing the merits of the claim raised by the Applicant and also refusing to accept the Arbitrator nominated by the Applicant.

5. Since there is a partnership deed dt.18.07.2014 executed by the Applicant and the respondent containing an Arbitration clause and there has been invocation of the said Arbitration clause by the Applicant through his legal notice dt.31.03.2019, which is served on the respondent, and since respondent did not accept the person

nominated by the Applicant to be an Arbitrator, I therefore appoint Sri. B.Nagamaruthi Sarma, Retd., District Judge, H.No.16-11-22/23, Krishna Tulasi Nagar, Moosarambagh, Hyderabad-500036 (Mobile: 9951955055) for adjudication of the disputes between the Applicant and the respondent arising out of the partnership deed dt.18.07.2014.

6. Accordingly, this Application is allowed. There shall be no order as to costs.

7. As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02.07.2019
LSK

