

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Arbitration Application No.142 of 2017

ORDER :

This arbitration application is filed under Arbitration and Conciliation Act, 1996 to appoint a substituted Arbitrator in place of the earlier Arbitrator, viz., Late Justice N. D. Patnaik, who is said to have died.

2. It is the case of applicant that there was a partnership deed dt.02.03.1994 between petitioner and respondent nos.2 and 3 and one Sri S. Dushyant Reddy, who is the Managing Partner of the 1st respondent-Firm; that when disputes arose between them Arbitration Application No.51 of 1998 was filed before this Court and Justice N.D. Patnaik, retired A.P. High Court Judge was appointed as sole arbitrator; that he passed an interim award on 12.10.2002 rejecting the claim made by applicant; that the applicant challenged it in O.P.No.351 of 2003 before the Chief Judge, City Civil Court, Hyderabad; and on 09.06.2003, the said O.P. was allowed setting aside the order of the Arbitrator. It is contended that the respondents filed C.M.A.no.2651 of 2003 before this Court and got interim suspension of the order dt.09.06.2003 passed in O.P.No.351 of 2003 by the Chief Judge, City Civil Court, Hyderabad; but the said C.M.A. was dismissed on 09.02.2015 for default by this Court; and during the pendency of the said C.M.A., the arbitrator died and so there is necessity to appoint a substitute Arbitrator.

3. It is contended that petitioner got issued a notice by R.P.A.D. on 05.10.2017 to the respondents, but the respondents have not responded to the same.

4. Notice in this application was ordered and was served by substituted service by publication in *Eenadu* Newspaper, Hyderabad Edition on 16.03.2019. There is no representation on behalf of respondents even now.

5. In the facts and circumstances of the case, having regard to the fact that Justice N.D. Patnaik (Retd.) has passed away, Justice S. Anand Reddy, Former Judge of the A.P. High Court, R/o.Flat No.C-402, Fortune Enclave, S.B.I. Lane, Road No.12, Banjara Hills, Hyderabad – 500 034, Telephone Nos.040-23314374 and 94414 81416 is appointed as a substitute Arbitrator to adjudicate the disputes between the applicant and respondents in place of Late Justice N.D. Patnaik.

6. Accordingly, this Application is allowed as above. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Arbitration Application, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16.04.2019

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