

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 146 OF 2021

Mr. Bhikhubhai T. Rathod

...Petitioner

Versus

Mr. Kiransinh T. Rathod

...Respondent

Mr. Jehangir Jejeebhoy a/w Niyanta Parekh i/by Kanga & Company
for the Petitioner.

Mr. Anuj Tiwari i/by Mr. Ajinkya Palav for the Respondent.

CORAM : R.I. CHAGLA J
DATE : 10 June 2022

ORDER :

1. Heard the learned Counsel for the parties.
2. By this Arbitration Petition, the application is made for appointment of the advocate Mr. Vipul S. Kapadia as a Sole Arbitrator to adjudicate the disputes arising between the parties relating to or arising from the Deed of Partnership.
3. Learned Counsel appearing for the Respondent is not

SHARAYU
PANDURANG
KHOT

Digitally signed
by SHARAYU
PANDURANG
KHOT
Date:
2022.06.16
18:11:34 +0530

agreeable to the appointment of advocate Mr. Vipul S. Kapadia. He has suggested the name of Advocate Mr. Samir S. Modasia. Both the advocates are practising in Silvassa, Gujarat.

4. Considering that there is an arbitration agreement under Clause 15 in the Deed of Partnership providing for the disputes and differences between the partners or their representatives to be referred to the arbitration under the provisions of the Arbitration Act and there is no dispute with regard to the arbitration agreement. Further, the parties are inclined to proceed for arbitration. Hence, it would be appropriate to appoint the Arbitrators which they have suggested, as two out of the three arbitrators and direct those appointed arbitrators to appoint a 3rd arbitrator who shall preside over the arbitration. Accordingly, I pass the following order:-

(i) Advocate Mr. Vipul S. Kapadia is appointed as Arbitrator for and on behalf of the Petitioner and Advocate Mr. Samir S. Modasia is appointed as Arbitrator on behalf of the Respondent.

(ii) The Advocate Mr. Vipul S. Kapadia and Advocate Mr. Samir

S. Modasia shall appoint the presiding arbitrator within a period of two weeks from the date of this order.

- (iii) Arbitration shall be held in Silvassa, State of Gujarat.
- (iv) Office to inform the Sole Arbitrator regarding appointment.
- (v) The Sole Arbitrator is requested to file the Disclosure Affidavit of Arbitration under Section 11(8)(i) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of the notice issued by the Registrar Judicial-I and provide copies to the parties.
- (vi) Parties to appear before the Sole Arbitrator on the date fixed.
- (vii) Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.

(viii) Arbitration Petition is disposed of in the above terms.

(ix) No costs.

[R.I. CHAGLA J.]