

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.36 OF 2022

Mr. Virendra Pandurang Thorat ...Petitioner

V/S

Yashoda Pandurang Thorat & Ors. ...Respondents

.....

Ms. Gargi Joshi a/w Jitesh Mundhara i/by Kedar Patil for Petitioner.

Mr. Abhishek Srinivasan a/w Mr. Pradeep Kumar for Respondents.

CORAM : R. I. CHAGLA, J.

DATED : 1st JULY, 2022.

P.C.

1. Heard learned counsel for the parties.
2. By this Arbitration Petition, the Petitioner is seeking appointment of a Sole Arbitrator to arbitrate and resolve the disputes between the Petitioner and the Respondents in accordance with clause No.21 of the Memorandum of Family Agreement dated 21st July 2010.
3. The earlier Arbitrator was appointed by order dated 18th October 2019 during the pending proceedings addressed email dated

1st July 2021 expressing his desire to resign in view of certain allegations made by Respondent No.2. Accordingly, the Arbitrator appointed by this Court on 18th October 2019 requires to be substituted and an Arbitrator needs to be appointed in his place.

4. The parties agree for appointment of Dr. Shalini Phansalkar Joshi, (Retired Judge of this Court).

5. In view thereof, following order is passed:-

- (i). Dr. Shalini Phansalkar Joshi, retired Judge of this Court as a Sole Arbitrator to decide the disputes between the Petitioner and the Respondents in accordance with clause No.21 of the Memorandum of Family Agreement dated 21st July 2010 executed between them.
- (ii). The venue of arbitration shall be in Pune as per the said Memorandum of Family Agreement dated 21st July 2010.
- (iii). Office to inform the Sole Arbitrator regarding his appointment.

- (iv). The Sole Arbitrator is requested to file his 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.
- (v). Parties to appear before the Sole Arbitrator on the date fixed.
- (vi). Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.
- (vii). Arbitration Petition is disposed of in the above terms.
- (viii). No costs.

(R. I. CHAGLA, J.)