

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

ARBITRATION APPLICATION NO.347 OF 2018

Nayana L. Gutka

.. Applicant

v/s.

Sobhana P. Parmar & Ors.

.. Respondents

Mr. Santosh P. Shetye for the applicant.

Mr. Aadil Parsurampururia i/b. Prashant Parsurampururia for the respondents.

CORAM : A. K. MENON, J.

DATED : 24TH JANUARY, 2022.

(THROUGH VIDEO CONFERENCE)

P.C. .

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 in relation to the partnership business and under a Deed of Partnership dated 21st November, 1986. The applicant is one of the partners of the firm. There are disputes between the partners relating to accounts and also in relation to premises said to be belonging to the partnership firm. The applicant's grievance being that she has been kept out from all information relating to the affairs of the firm. It is not disputed

that the firms business was discontinued long time ago. The property of the firm still vests in the firm which is now said to have been controlled and managed by respondent nos.1 & 2. The application is filed on the basis that the applicant had invoked arbitration vide letter dated 13th October, 2017. Copy of the letter of invocation is at Exhibit E. There is no response to the notice invoking arbitration and hence this application has been presented. Perusal of the agreement reveals that clause 13 contemplates reference to arbitration.

2. Today after hearing both the learned counsel, they have agreed that the dispute between the parties be referred to the Sole Arbitration of Shri Rohan Sawant, Advocate practicing in this court.

3. Accordingly, by consent I pass the following order;

(i) Mr. Rohan Sawant, Advocate, is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any,

(ii) The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) within four weeks with the Prothonotary and Senior Master and provide copies to the parties.

- (iii) Parties to appear before the Sole Arbitrator on a date to be fixed by him as per his earliest convenience.
- (iv) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (v) Arbitration Application is disposed in the above terms.

(A. K. MENON, J.)