

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 81 OF 2019

Parvez Malik

... Applicant

vs.

Abdul Haque Razak and 2 Ors.

... Respondents

Mr. Ram Upadhyay i/b. Law Competere Consultus for the Applicant.

None for the Respondents.

CORAM : A. K. MENON, J.

DATED : 31st JANUARY, 2022

[THROUGH VIDEO CONFERENCE]

P.C. :

1. Pursuant to the order dated 24th January, 2022 Mr Upadhyay states that he has filed an additional affidavit of service. Perusal of the affidavit dated 25th January, 2022 reveals that respondent nos. 2 and 3 are duly informed of the fact that the matter was to be listed on 24th January, 2022. Exhibit D and E are said to be confirmation of delivery of the notice.

2. Respondent no. 1 was represented on the last occasion. However, today he is not represented. There is no dispute that there is a arbitration agreement between the parties. The dispute is between partners. Two names of arbitrators have been suggested by the applicants.

3. Respondent nos. 2 and 3 have chosen to remain absent. In view thereof it is seen that respondent nos. 2 and 3 do not appear to be interested in contesting this application. In the circumstances I pass the following order:

- (i) Arbitration application is allowed in terms of prayer clause (a).
- (ii) Mr. Swanand Ganoo, Advocate is appointed as sole arbitrator to adjudicate upon claims and counter claims, if any.
- (iii) The learned Arbitrator is requested to file his disclosure statement under section 11(8) and Section 12(1) within three weeks with the Prothonotary and Senior Master and provide copies to the parties.
- (iv) Parties to appear before the Sole Arbitrator on a date to be fixed by him at his earliest convenience.
- (v) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018.
- (vi) Arbitration Application is disposed in the above terms.

(A. K. MENON, J.)