

**123+214**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

ARB No. 362 of 2018 (O&M)  
Date of Decision: 30.09.2022

Rajesh Kant Khanna

-Petitioner

Versus

M/s Khanna Knitters and others

-Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Naresh Prabhakar, Advocate,  
for the petitioner.

Mr. Rakesh Bhatia, Advocate,  
for the respondents.

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**RAJ MOHAN SINGH, J. (Oral)**

**CM-12436-CII-2022**

For the reasons mentioned in the application, the same is allowed and the accompanying replication is taken on record, subject to just exceptions.

**Main case**

1. Petitioner has preferred this petition under Section 11 of Arbitration and Conciliation Act, 1996 for appointment of an arbitrator in view of arbitration clause in the partnership deed dated 03.04.2014.
2. It appears from the record that there was a civil suit

for rendition of account filed by the petitioner in which an application under Section 8 of the Act was filed by the respondents and the same was allowed vide order dated 23.07.2018 by the Civil Judge (Junior Division), Ludhiana. The suit filed by the petitioner was dismissed.

3. In pursuance of order dated 23.07.2018, no arbitrator has been appointed till date to settle the dispute between the partners of the firm.

4. Petitioner has preferred this petition for appointment of an arbitrator for adjudicating the dispute between the partners. In the event of appointing an independent arbitrator, the executory mechanism attached to the order dated 23.07.2018 passed by Civil Judge (Junior Division), Ludhiana would be satisfied. The existence of partnership deed having arbitration clause is not in dispute.

5. During course of arguments, learned counsel for the petitioner has stated that the tentative claim of the petitioner in this petition is ranging from Rs.20 lacs to Rs.25 lacs. This fact has been refuted by learned counsel for the respondents.

6. In view of nature of controversy, all these issues can be appreciated by the arbitrator during the course of arbitral proceedings.

7. Having gone through the material on record, I find

that the dispute has to be resolved by way of appointment of an independent Arbitrator.

8. In my considered opinion, the plea of the respondent can very well be considered on merits by the Arbitrator in accordance with law.

9. Since the claim of the respondents before the civil court was also in respect of appointment of arbitrator and the respondents successfully demonstrated their claim and arbitrator was ordered to be appointed, therefore, I deem it appropriate to appoint Mr. R.N. Bharti, District and Sessions Judge (Retd.), House No.900, Sector 7-B, Chandigarh, 8447752959, [m.bharti123@gmail.com](mailto:m.bharti123@gmail.com) as the sole Arbitrator, to resolve the dispute/difference between the parties. The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

10. The Arbitrator shall complete the proceedings within the specified time in terms of Section 29-A of the said Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by the petitioner and respondent(s) equally.

11. The seat of the Arbitration shall be Ludhiana.
12. The venue will be as per the convenience of the Arbitrator.
13. A copy of this order be dispatched to the Arbitrator at the following address:-

Mr. R.N. Bharti, District and Sessions Judge (Retd.)  
House No.900, Sector 7-B, Chandigarh  
8447752959, [m.bharti123@gmail.com](mailto:m.bharti123@gmail.com)

14. Petition stands disposed of accordingly.

30.09.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No