

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 87 OF 2021

SHRIKANT
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MALANI

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Virajsinh Bhikusinh Rathod

...Petitioner

Versus

Hemarajsinh Kiransinh Rathod

...Respondent

WITH

ARBITRATION PETITION NO. 95 OF 2023

Virajsinh Bhikusinh Rathod

...Petitioner

Versus

Hemarajsinh Kiransinh Rathod

...Respondent

* * *

- Mr. Jehangir Jejeebhoy and Ms. Aishwaryajeeta Tawde i/by Kanga & Co., for Petitioner.
- Ms. Khyati Akanani and Mr. Amit Kanani, for Kanani & Co., for Respondent.

* * *

CORAM : MANISH PITALE, J

DATE : 23rd MARCH, 2023.

P. C. :

1. Heard, learned Counsel for the parties.
2. Arbitration Petition No. 87 of 2021, is listed with an office submission and Arbitration Petition No. 95 of 2023, was filed by the Petitioner in the light of developments that took place subsequent to disposal of the Arbitration Petition No. 87 of 2021.
3. This Court while disposing of Arbitration Petition No. 87 of 2021, by order dated 21st October, 2021, had appointed Mr. Rakshe as the nominee Arbitrator of the Petitioner. Thereafter, Mr. Rakshe expressed his inability to be part of the Arbitral Tribunal, as a result

of which, the Arbitration Petition No. 87 of 2021, was listed with an office submission for appropriate orders in the matter.

4. The Petitioner also filed a separate petition bearing Arbitration Petition No. 95 of 2023, to bring to the notice of this Court that Mr. Rakshe had expressed its inability to continue to be a member of the Arbitral Tribunal. By this petition, the Petitioner proposes another name as his nominee on the Arbitral Tribunal.

5. The Respondent appeared in both these petitions. On the last occasion the petitions were adjourned, as parties explored the possibility of agreement upon appointment of a sole Arbitrator for resolution of their disputes.

6. Today, when the petitions are called out for hearing, learned Counsel for the parties informed this Court that the parties have agreed for appointment of **Mr. Mitesh Shah**, as the sole Arbitrator for resolution of disputes between the parties.

7. Since the parties have agreed for appointment of a sole Arbitrator, there is no impediment in disposing of the petition and the office submission placed before this Court. By consent of the parties, it is directed the Arbitration proceedings shall be conducted at Surat in Gujarat.

8. Accordingly, Mr. Mitesh M. Shah, Advocate practising at

Surat, is appointed as the sole Arbitrator for resolution of disputes between the parties. The details of the learned Arbitrator are as follows :

Mr. Mitesh M. Shah,
Flat No. A-1, Monalisa Apartment,
Opp. T & T. V. School, Athwa Gates,
Surat – 395 001, gujarat
Mob. No. 98980 45265 / 0261 – 2465961

9. The parties undertake to inform the learned Arbitrator immediately about the order passed today.

10. The learned Arbitrator is requested to submit his consent and disclosure statement in terms of Section 11(8) and 12(1) of the aforesaid Act within four weeks from today to the Registrar (Judicial) of this Court.

11. The fees of the learned Arbitrator shall be as per the Fourth Schedule to the said Act.

12. All questions are kept open.

13. The Arbitration Petition No. 95 of 2023 stands disposed of along with office submission in Arbitration Petition No. 87 of 2021.

(MANISH PITALE, J.)