

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
ARBITRATION PETITION NO. 94 OF 2023**

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|----------------------|-----|------------|
| Bhikhubhai T. Rathod | ... | Petitioner |
| vs.                  |     |            |
| Kiransinh T. Rathod  | ... | Respondent |

Mr. Jehangir Jeejeebhoy a/w. Ms. Aishwaryajeeta Tawde, i/by. Kanga & Co. for petitioner.

Mr. Kalpesh Joshi a/w. Mr. Narendra Devvansh, i/by. Kalpesh Joshi Associates for respondent.

**CORAM : MANISH PITALE, J  
DATE : 16<sup>th</sup> MARCH, 2023**

**P.C. :**

1. The petitioner is constrained to file the present petition in the backdrop of the fact that the two nominee arbitrators for the parties, appointed by order dated 10<sup>th</sup> June, 2022, corrected subsequently by order dated 20<sup>th</sup> June, 2022, could not agree on the name of the presiding arbitrator.

2. In this backdrop, the petitioner has filed the present petition, praying for appointment of Mr. Mitesh M. Shah, Advocate practising at Surat, as presiding arbitrator for the tribunal to proceed with the arbitration proceeding.

3. The respondent has appeared through counsel and suggested that instead of arbitral tribunal, Mr. Mitesh M. Shah, Advocate could be appointed as a sole arbitrator for resolution of disputes between the parties.

4. The learned counsel for the petitioner, on instructions, submits that the petitioner is agreeable to the said proposal.

5. This Court has perused the arbitration clause in partnership deed and also perused the earlier orders passed by this Court. In the light of the consent expressed on the part of the rival parties, Mr. Mitesh M. Shah, Advocate can be appointed as a sole arbitrator. By consent of the parties, it is directed that the arbitration proceedings shall be conducted at Surat, Gujarat.
6. Accordingly, Mr. Mitesh M. Shah, Advocate practising at Surat, is appointed as the sole arbitrator for resolution of the disputes between the parties.
7. Details of the learned sole arbitrator are as follows:  
Flat No.A-1, Monalisa Apartment,  
Opp. T. & T. V. School, Athwa Gates,  
Surat-395001, Gujarat  
Mob. No.: 98980 45265 / 0261-2465961  
Email: advmiteshshah@gmail.com
8. The parties undertake to inform the learned arbitrator immediately about the order passed today.
9. The learned arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) and 12(1) of the aforesaid Act within four weeks from today to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be as per the Fourth Schedule to the said Act.
10. All questions are left open for determination by the learned arbitrator.
11. The petition stands disposed of.

(MANISH PITALE, J)