

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

ARBITRATION PETITION NO. 138 OF 2023

Pravin Haware

...Petitioner

Versus

Ujjwala Haware

...Respondent

* * *

- Mr. Shantanu Manoj Sharma, for Petitioner.
- Mr. Amit Dubey and Mr. Rajuram Kuleriya, for Respondent.

* * *

SHRIKANT
SHRINIVAS
MALANI

CORAM : MANISH PITALE, J

DATE : 20th APRIL, 2023

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SHRIKANT
SHRINIVAS MALANI
Date: 2023.04.21
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P. C. :

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointing of Arbitrator for resolution of disputes between the parties. The Arbitration Clause is contained in a Memorandum of Understanding dated 20th September, 2021, whereby the parties agreed for resolution of disputes, if any, through the process of arbitration to be referred to a sole Arbitrator.

2. Upon disputes arising between the parties, by notice dated 15th February, 2023, the Petitioner invoked the Arbitration Clause and called upon the Respondent to agree to the name of a proposed Arbitrator. Admittedly, there was no response to the said notice of invocation. In this backdrop, the present petition is filed.

3. The Respondent has appeared through Counsel.

4. When the petition is called out for hearing, the learned Counsel appearing for the Respondent could not seriously dispute the existence of the Arbitration Clause and the fact that the same had been invoked by notice dated 15th February, 2023, on behalf of the Petitioner. Therefore, there can no impediment in this Court exercising jurisdiction under Section 11 of the said Act.

5. Considering the nature of disputes and the claims raised by the Petitioner, it would be appropriate that a former Judge of this Court is appointed as the sole Arbitrator.

6. Accordingly, Justice B.H. Marlapalle, former Judge of this Court, is appointed as the sole Arbitrator. The details of the learned Arbitrator are as follows :

Hon'ble Shri Justice B.H. Marlapalle,
B-29, Defence Colony, New Delhi – 110 049.
Mob. No. 9868122630
Email : bhmarlapalle@gmail.com

7. The parties undertake to inform the learned Arbitrator, at the earliest, about the order passed today.

8. The learned Arbitrator is requested to communicate his consent and Disclosure Statement as per Section 11(8) r/w Section 12(1) of the said Act, to the Registrar (Judicial) of this Court, within four weeks.

9. The fees of the learned Arbitrator shall be as per Schedule IV to the Aforesaid Act.
10. All questions are kept open.
11. The petition stands disposed of.

(MANISH PITALE, J.)