

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (ARBN) NO. 162 OF 2022

Pratik Neeraj Kohli __ Vs. __ Gautam Bharatbhushan Kohli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Mili Matey, Advocate h/f Mr. P.V.Bansod, Advocate for applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 17/02/2023

In spite of service of notice, the non-applicant has not appeared. By the order dated 10.2.2023, the matter was posted today to afford an opportunity to the non-applicant and it was made clear that in case none appears for the non-applicant, the matter would be decided in his absence. Today also none appears for the non-applicant.

2] There is a deed of partnership dated 15.7.2011 executed between the parties hereto, which has an arbitration clause-17 for referring the dispute to arbitration, one to be appointed by each. The notice dated 5.12.2020 indicates invocation of the arbitration clause, which was sent at three different addresses of the non-applicant, one of which has been refused to have been accepted as per the endorsement on the postal envelop at page 57, however, the track report at page 58 in respect of one of the notices, indicates delivery.

3] Sicne the notice dated 5.12.2020 indicates invocation of the arbitration clause, on account of a dispute which exists, to which there is no denial, it is necessary to appoint an arbitrator, considering which Justice V.M.Deshpande, Former Judge of this Court, is appointed as an Arbitrator to arbitrate the dispute between the parties.

4] The parties to appear before him on 27.2.2023 and place the copy of this order before him to apprise him of the order.

5] The processing charges be paid before issuance of the copy of this order.

6] Application is accordingly allowed in above terms.

JUDGE

Rvjalit