

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

**MISC. CIVIL APPLICATION 360 OF 2022**

Prashant Babasaheb Wasade and ors \_\_ Vs. \_\_ Anil Rathi and anr

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

Court's or Judge's orders

Mr. M.R.Joharapurkar, Advocate for Applicant  
Mr.Chetan Dhore, Advocate for non-applicant NO.2.

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 03/02/2023**

1] The partnership deed dated 30.06.2021 which is executed between the parties hereto contains an arbitration clause no. 14 (pg.34), which has been invoked by the notice dated 8.4.2022 (pg. 36 pg. 382), which has not been replied by the Non-Applicants.

2] Though the Non-applicants raise a plea regarding execution of the deed of partnership dated 30.6.2022 which contains the above arbitration clause, however, that is an issue which can be raised before the learned Arbitrator under Section 16 of the A&C Act.

3] Since there is a dispute between the parties, Mr. Justice R.K.Deshpande, Former Judge of this Court is hereby appointed as an Arbitrator.

4] The parties shall appear before the learned Arbitrator on 11.2.2023, as connected proceedings are stated to have been fixed before him on 11.2.2023.

5] It is made clear that the copy of the order shall not be supplied to the petitioner, unless processing charges are deposited by the petitioner.

6] The application is disposed of in above terms. No costs.

**JUDGE**

*Rvjalit*