

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

MCA No.1035/2018

Smt. Neela V Kashibai thr Lrs and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. A.C. Dharmadhikari, Adv for applicant.

Mr. Rohit Joshi, Adv for reps. Nos.1(i), (ii), (iii), , 2(i), (ii), (iii), (iv), (v) to
(ix) and 3 and 4.

CORAM : AVINASH G GHAROTE, J.

DATE : 27-01-2023

Heard Mr. Dharmadhikari, learned Counsel
for applicant and Mr. Joshi, learned Counsel for
respondents.

2. Mr Joshi, learned Counsel for the respondent, has no objection, if the matter is referred before the learned Arbitrator by appointing an Arbitrator, subject to the conditions that all the questions and contentions which would be available to the respondents in law are kept open. It is trite that while deciding application u/s. 11(6) of the Arbitration Act, the Court does not decide any questions on merits and therefore considering the agreeability, Mr J. J. Chandurkar, Advocate, who is already appointed as an Arbitrator in between the parties in respect of an earlier dispute, by consent, is appointed as Arbitrator, in respect of the present application.

3. The parties shall appear before the Arbitrator on 06-02-2023. It is made clear that all contentions including the arbitrability of the dispute is also kept open.

4. The processing fees shall be paid before 02-02-2023.

JUDGE

Deshmukh