



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO. 1561 OF 2024

IN

ARB/12/2021

SURESH SHIVRAM SATPUTE

VERSUS

RAMESH SHIVRAM SATPUTE

...

Advocate for Applicant :

Mr. N. J. Pahune Patil h/f. Mr. Sagar N. Pahune Patil

Respondent Sole - served

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 29th APRIL, 2024

PER COURT:

1. Heard.
2. The present application is moved for substitution of the Arbitrator appointed by the order of this court dated 21.11.2022, as the Hon'ble Shri Justice V. K. Jadhav (Retired) has been appointed as the Member of the Maharashtra Administrative Tribunal. In view of the same, the civil application is filed to substitute the sole arbitrator. Notice is issued and served, but none has entered appearance on behalf of the respondent. Thereafter, on 10.04.2024 also none has entered appearance on behalf of the respondent and the matter was directed to be listed, on 24.04.2024. Again, on 24.04.2024, the matters is adjourned for

29.04.2024. Today also, none has entered appearance on behalf of the respondent.

3. In view of the above, I proceed to pass the order for appoint of substituted Arbitrator as Hon'ble Justice Smt. Sadhana S. Jadhav, former Judge of this Court as substituted Arbitrator in the place of Hon'ble Shri Justice V. K. Jadhav (Retired).

4. Accordingly, the civil application is disposed of with following order :-

a) Appointment of Arbitrator :-

Justice Smt. Sadhana S. Jadhav, Former Judge of this Court is appointed to act as sole arbitrator to adjudicate upon the disputes between the parties.

(b) Communication to Arbitrator of this order :-

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses :-

Arbitrator : Hon'ble Smt. Justice Sadhana S. Jadhav,
former Judge of this Court.

Address : Tara Apartments,
Jai Vishwabharati Colony,
Chhatrapati Sambhajanagar

Phone : 9422989004

Email : sjadhav0660@gmail.com

(c) Disclosure :-

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to the Registrar of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

(d) Appearance before the Arbitrator :-

Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.

(e) Contact/communication information of the parties :-

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email address.

f) Section 16 application :-

The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

(g) Interim Application/s :-

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

(h) Fees :-

The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(i) Venue and seat of arbitration :-

The venue and seat of the arbitration will be as per the terms of the agreement or the law applicable.

[ARUN R. PEDNEKER, J.]

marathe