

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 137 OF 2024

Sundar Sagar Vankore & Ors.

...Petitioners

Vs.

Neeta Shrirang Kelkar & Anr.

...Respondents

Mr. Yuvraj Narvankar for the Petitioners.

Ms. Shubhra Swami a/w Rahul Punjabi Respondent No.2.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH NOVEMBER, 2024

P.C.:-

1. This is an application filed under Section 11 of the Arbitration and Conciliation Act 1996 in which, the Petitioners have sought following relief:-

“A. This Hon'ble Court in exercise of its powers under Section 11 r/w Section 14(1)(a) of the Arbitration and Conciliation Act, 1996, be pleased to appoint/ substitute the Ld Sole Arbitrator to hear, decide and adjudge the pending arbitration proceedings between parties, in place and in stead of Mr K.D. Patil (now deceased) and pass further appropriate directions for continuation of the pending arbitral proceedings;”

2. Mr. Narvankar, Learned Counsel for the Petitioners has placed reliance upon an Affidavit of Service to prove service of the Petition upon

Respondent No.1. Respondent No.2 is represented through Counsel who is appearing today.

3. I am satisfied that Respondent No.1 though served, has not appeared and thus I am proceeding with the matter.

4. Mr. Narvankar invites my attention to an order dated 20th December, 2022 by which, this Court in an application filed by Respondent No.1 was pleased to appoint Shri. Kundalik Dattatraya Patil as Sole Arbitrator. Learned Counsel for the Petitioners pointed out that the Sole Arbitrator has since passed away and thus the present application is necessitated.

5. Given the fact that there is no dispute to the fact that the Sole Arbitrator has since passed away and there is no opposition to the present application for substitution of the said Arbitrator, I find no reason not to allow the present application.

6. The application is therefore allowed in terms of prayer clause (A) already extracted above. I accordingly appoint Mr. Justice T. V. Nalawade, Former Judge of this Court to act as an Arbitrator in place and stead of Shri. Kundalik Dattatraya Patil on the same terms. Details of Mr. Justice T. V. Nalawade, Former Judge of this Court are as follows:-

Name	Mr. Justice T. V. Nalawade, Former Judge of this Court.
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Address Flat No.109, Meera Bhakti Apartmen,
Rankala, Behind D Mart Mall, Kolhapur 416
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Mobile 8830970527

7. Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)