

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO.158 OF 2024

Geeta Jaydeep Kher

... Petitioner

V/s.

Vijaya Dinesh Kunden

... Respondent

Mr. Sagar Kothari a/w Jeel Shah i/by Legasis Partners for the
Petitioner/Applicant.

Mr. Anoshak Daver a/w Mr. Rushabh Sheth i/by Rushikesh Gaikwad for the
Respondent.

CORAM : ARIF S. DOCTOR, J.

DATE : 3RD OCTOBER 2024

P.C. :

1. I have by my previous order noted what was a most unfortunate and worrying trend which cannot be permitted to be countenanced at any costs. The parties make baseless and reckless allegations against the arbitrators which would compelled them to recused themselves from further hearing in the arbitral reference. This conduct is deleterious to the arbitration process.

2. Today, Mr. Daver, Learned Counsel appearing on behalf of the Respondent at the outset, even without getting into the merits of the matter,

very fairly submitted that his client has assured him that going forward, there will be no repetition of this type of behaviour. He also submitted to the court that ‘misunderstanding’ that arises on the last occasion (if one can call it that) is not on account of his client, but for some other reason. He submits that the letters also addressed to the Tribunal were clearly not drafted by a lay man, but on a legal advice.

3. Be that as it may, he today submits that the Respondent shall unconditionally withdraw the said letters, which are annexed at Exhibit ‘E’ (Pages 40 to 41) and Exhibit ‘G’ (Pages 44 to 46) to the captioned Petition. Not only that his client shall also address letter of apology to the Learned Arbitrator, who had since recused herself on account of these letters within a period of one week from today.

4. Learned Counsel for the Respondent also submits that the present Application can be allowed in terms of prayer clause (a) and the additional six months of extension of time be granted. He suggests the name of Hon’ble Smt. Justice Sadhana Jadhav, Former Judge of this Court, to act as a Sole Arbitrator. The same is consented by Learned Counsel appearing on behalf of the Petitioner.

5. Thus, the captioned Arbitration Petition is thus allowed in terms of prayer clause (a) with an extension of six months from the date on which this order is uploaded. Hence, I appoint Hon'ble Smt. Justice Sadhana Jadhav, Former Judge of this Court, to act a Sole Arbitrator to decide the disputes and differences between the parties. The details of the new Arbitrator are as follows :-

Name : Hon'ble Smt. Justice Sadhana Jadhav (Retd.)

Address : B-04, Sadashiv CHS, Opp. Ramsar Cafe,
F. C. Road, Pune 411 016.

AND

108, Seksaria Chambers, N. M. Road,
Kala Ghoda, Fort, Mumbai 400 001.

6. The captioned Arbitration Petition is thus disposed of.

7. In light of the above, Arbitration Petition (Stamp) No.24178 of 2024 is accordingly disposed of as being infructuous.

(ARIF S. DOCTOR, J.)