



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

**Civil Application (CAO) No. 186 of 2024
in
Misc. Civil Application (ARBN) No. 789 of 2023**

**Vinay S/o Madhusudan Bhope and others
Versus
Avinash Ramesh Ladhawe and another**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.S.Samudra, Advocate for the applicants.
Shri Narendra Jetha, Advocate for the non-applicants.

**CORAM : ANIL S. KILOR, J.
DATED : 16th FEBRUARY, 2024.**

This is an application filed under Section 29-A of Arbitration and Conciliation Act, 1996 for extension of time to complete the arbitration proceeding and pass and award.

2. The applicants have filed the present proceedings under Section 11 of Arbitration and Conciliation Act, 1996, for appointment of an "Substitute Arbitrator", on account of death of erstwhile Arbitrator Shri Vilas Nakade on 3rd February, 2023 during the pendency of the arbitration proceedings.

3. This Court vide order dated 21st December, 2023 proposed to appoint Shri Justice B.P.Dharmadhikari (Former Chief Justice of Bombay High Court) as sole Arbitrator in view of the consent given by both the parties.

4. Shri Jetha, learned counsel for the non-applicant has no objection in view of the above referred facts to extent the time.

5. In that view of the matter since the new arbitrator has been appointed, the time is sought to be extended to conduct the arbitration proceeding. Accordingly, I pass the following order.

- i. The application is allowed;
- ii. The time is extended to complete the arbitration proceeding and to pass an award by one year from today.

Civil Application (CAO) No. 73 of 2024

This is an application for issuance of directions to the wife of erstwhile Arbitrator Shri Vilas Narkhade who died during the pendency of the arbitration proceeding. It is prayed that the direction be issued to her to handover the record to the appointed arbitrator Shri Justice B.P.Dharmadhikari (Former Chief Justice of Bombay High Court).

2. Considering the fact that the erstwhile Arbitrator died during the pendency of the arbitration proceeding and the original documents and proceedings are in custody of wife of the erstwhile arbitrator, it is directed to Smt. Vaishali Vilas Narkhede to handover original arbitration record either to Shri Justice B.P.Dharmadhikari (Former Chief Justice of Bombay High Court) or jointly to the applicant no.1 along with non-applicants or to their authorised representatives who shall thereupon hand it over to the newly appointed arbitrator.

3. Smt. Vaishali Vilas Narkhede, is directed to handover the record within two weeks from today.

4. The civil application is disposed of.

[ANIL S. KILOR, J.]