Sr. No.7

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

Arb P No.28/2026

PCL Fruits Private Limited …Petitioner.

Through: Mr. P. S. Ahmad, Advocate

Vs.

Ghulam Nabi Wani ….Respondent(s)

Through: Mr. Sikander Hyaat Khan, Advocate &
Mr. Mir Adnan, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE

O R D E R
23.10.2026

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator.

2. The petitioner is a company engaged in horticulture and other allied activities. The petitioner executed a registered Lease Deed with the respondent before the Sub-Registrar, Pulwama in respect of the land belonging to the respondent measuring 02 kanals and 19 marlas situated at Yadder Shahoora, Tehsil Litter Shahoora, District Pulwama for the purpose of establishing, constructing and maintaining a High Density Apple Orchard on an annual rent of Rs. 10,000/- per kanal. The lease deed was executed for a period of 15 years, commencing from 01.01.2019 and ending on 30.12.2033. The lease deed contained a clause 7 which provided for resolution of disputes through arbitration.

3. It is stated that the dispute had arisen between the parties on account of the respondent's interference with the petitioner's peaceful possession, business operations and harvesting of the apple crop. The petitioner, accordingly, approached the Court of the learned Principal District Judge, Pulwama under Section 9 of the Arbitration and Conciliation Act, 1996 and obtained an interim protection in terms of order

dated 22.08.2025 whereby the respondent was restrained from interfering with the petitioner's peaceful possession.

4. It appears that the petitioner had earlier issued a legal notice dated 04.06.2025, invoking the arbitration clause contained in the lease deed and by the said notice, the petitioner had nominated its arbitrator and had also called upon the respondent to nominate his arbitrator within a period of 15 days so that the two arbitrators could jointly appoint an Umpire.

5. Owing to the failure of the respondent to appoint an arbitrator on his behalf in the matter, the petitioner has been constrained to approach this Court. Hence, the petition at hand.

6. Pursuant to the notice issued by this Court, the respondent has appeared, however, no reply/objections have been filed. However, during the course of hearing, learned counsel for the respondent, as always, fairly submits that let an arbitrator be appointed, but submits that the respondent be granted liberty to raise all possible pleas/objections before the Arbitrator in this regard.

7. Accordingly, in the wake of the position sketched out above, the petition is allowed. And, with consent of learned counsel for the parties, Mr. Mohammad Ibrahim Wani, Retired District Judge is appointed as the sole arbitrator. Who shall proceed with the matter in accordance with the provisions of the Act. And to make an award within the time provided in the Act itself after charging the prescribed fee along with incidental expenses to be shared by the parties. The respondent shall be free to raise all the objections as regards the subject matter before the learned Arbitrator.

8. Registry to send a copy of this order to the learned arbitrator.

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

Srinagar
23.10.2026
Aamir

Amir Rashid Sofi
I attest to the accuracy and
authenticity of this
document