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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-707-2025(O&M)

Date of Decision: 10.04.2026

SMT. USHA RANI AND ANOTHER

....Petitioner(s)

Versus

SMT. ANITA BAJAJ AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Sukhandeep Singh, for the petitioners.

Mr. Alankar Narula, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of a Sole Arbitrator.
2. Learned counsel appearing on behalf of the petitioners submitted that there is a partnership agreement between the petitioners and the respondents, who are relatives of each other, vide Annexure P-1 dated 11.06.2013, in which there exists an arbitration clause i.e. Clause 17, which provides that all disputes and questions in connection with the partnership or the interpretation of the deed arising between the partners or between any one of them and the legal representatives and the other or between their legal representatives, whether during the continuation of or after the termination of the partnership shall be referred to arbitration according to the provisions of the Arbitration Act in force. He submitted that since a dispute arose



between the parties, the petitioners had issued a notice to the respondents vide Annexure P-2 dated 17.09.2025 invoking the aforesaid arbitration clause but no reply was received from the respondents. He further submitted that during the pendency of the present petition, the matter was sent to the Mediation and Conciliation Centre of this Court but the mediation could not be succeed. He submitted that since the basic ingredients for appointment of an Arbitrator are satisfied, an independent Sole Arbitrator may be appointed by this Court.

3. Learned counsel further submitted that the respondents are the legal heirs of Late Sh. Raman Bajaj and as per Clause 14, the partnership would not be dissolved but shall continue through the legal representatives and even in the arbitration clause it is so provided that it shall be binding upon the legal representatives. He also referred to Section 40 of the Act to submit that an arbitration agreement shall not be discharged by the death of any of the parties to the arbitration agreement.

3. On the other hand, learned counsel appearing on behalf of the respondents submitted that neither there is any dispute with regard to the agreement between the parties nor there is any dispute with regard to the invocation of the arbitration clause by the petitioner by issuance of notice vide Annexure P-2. Clause 17 of the arbitration agreement is also not in dispute.

4. I have heard the learned counsel for the parties.

5. The arbitration agreement which contains an arbitration clause is not in dispute and the invocation thereof by issuance of notice vide Annexure P-2 is also not in dispute. Therefore, this Court is satisfied that

both the essential conditions for appointment of an Arbitrator under Section 11 of the Act stand satisfied.

6. In view of the above, the present petition is allowed. Sh. R.L. Ahuja, Addtional District & Sessions Judge (Retd.), resident of #4-A, Palam Vihar Pakhowal Road, V Daad,Ludhiana, Mobile No.9888353526, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

8. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

9. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.

10. A request letter alongwith a copy of the order be sent to Sh. R.L. Ahuja, Addtional District & Sessions Judge (Retd.).

10.04.2026

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No