

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR  
BENCH, JAIPUR

S.B. Arbitration Application No.29/2008

Shyam Das Juneja-Applicant Versus T.R. Juneja & Ors.-Respondents

Date of Order:-:30<sup>th</sup> January 2015

Hon'ble Ms. Justice Bela M. Trivedi

Mr. Nishant Vyas for  
Mr. Prem Krishan Sharma, for applicant/s.  
Mr. H.S. Sharma for  
Mr. O.P. Pareek,  
Mr. D.P. Pujari,  
Mr. Mahendra Singh Yadav, for respondent/s.

By the Court:-

1. The present application has been filed seeking appointment of Arbitrator under Section 11 of Arbitration & Conciliation Act, 1996 (hereinafter referred to as "the said Act"), in view of clause 13 of the deed of partnership, Annexure/1.

2. In the instant case, it appears that the applicant and the non applicant Nos.1 & 2 are brothers and the non-applicant No.3 is the son of non-applicant No.1. The applicant and the non-applicants had entered into the partnership by executing the deed of partnership at Annexure/1. As mentioned in the application, the said firm was engaged in the business of civil and mechanical construction and supplying building materials. The said firm ceased to function, as some disputes arose between the parties. The applicant, therefore, had sent the notice dated 13.08.2007 to the non-applicants for dissolving the partnership, and appointing Mr. Mohan Prakash Rathi, as the Arbitrator. The said notice was replied by the non-applicant Shri Manohar Lal

refusing the appointment of Arbitrator on the ground that the disputes were already resolved. The applicant, therefore, has filed the present application.

3. Learned counsel for the respondents do not dispute the execution of the partnership deed, Annexure/1 and the receipt of notice from the applicant, and the reply filed by the non-applicant No.2. The non-applicants have also not filed any reply to the present application, disputing the contents of the application. Learned counsel for the non-applicants have also no objection if the Arbitrator is appointed by the Court to resolve the disputes between the parties.

4. In view of the above, the present application is deserves to be allowed by appointing an Arbitrator, as prayed for. Considering the facts and circumstances of the case, and with the consent of the parties Hon'ble Justice Mr. R.C. Gandhi (Retired) R/o 122, Sanghi Apartment, Mahaveer Nagar, Jaipur, is hereby appointed as the Arbitrator to resolve the disputes between the parties. The cost of arbitration proceedings and the arbitration fees shall be as per the Rajasthan High Court Arbitration Manual. A copy of this order be sent to Hon'ble Justice Mr. R.C. Gandhi (Retired).

(Bela M. Trivedi) J.

R.Vaishnav  
107.

"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."  
Ramesh Vaishnav-Personal Assistant