

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).17149/2012

(From the judgement and order dated 10/11/2011 in CMP No.202/2009
of The HIGH COURT OF KARNATAKA CIRCUIT BENCH AT DHARWAD)

LATTA & ORS.

Petitioner(s)

VERSUS

MUKESH HARJIVANDAS PATADIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 06/05/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Mr. Ankur S. Kulkarni, Adv.

For Respondent(s)

Mrs. Kanchan Kaur Dhodi, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is allowed in terms of the signed
order.

(Sukhbir Paul Kaur)
Court Master

(Indu Bala Kapur)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5396 OF 2014
(Arising out of S.L.P.(C) No.17149 of 2012)

LATTA AND OTHERS

Appellant(s)

Versus

MUKESH HARJIVANDAS PATADIA AND OTHERS

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

Learned counsel for the respondents has not

been able to place on record any material to show that

Justice C.Y. Bharamgoudar, who was the visiting Judge

at the relevant time, was the designated Judge for exercising powers under Section 11(6) of the Arbitration and Conciliation Act, 1996. In that view of the matter, the appointment of the Arbitrator cannot be upheld.

This apart, it has been brought to our notice that the appointed Arbitrator has actually passed away. Therefore, in any event, a fresh appointment has to be made. Let the petition be placed before the designated Judge for making a fresh appointment.

The appeal is allowed. The judgment of the High Court is set aside.

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(A.K. SIKRI)

New Delhi,
May 06, 2014.