



ARB-162-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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ARB-162-2025 (O&M)

Date of Decision: 12.08.2025

Avtar Singh @ Avtar Singh Matharoo

...Applicant

Versus

Taljinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Samir Rathaur, Advocate for the applicant

Mr. Prince Goyal, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.

2. The parties entered into Deed of Partnership dated 07.12.2016. A dispute erupted between the parties. There is an arbitration clause in the aforesaid deed. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.

3. Learned counsel for the respondent submits that no business in the form of partnership firm ever commenced. The respondent lodged FIR against the applicant. The dispute arising out of deed between the parties could be referred to Arbitrator. As there was no business ever



commenced as partnership firm, the arbitration clause cannot be invoked. He further submits that claim of the applicant is barred by limitation.

4. From the perusal of paper book and Deed of Partnership, it is evident that as per Clause 18 of the Deed of Partnership, dispute arising out of the deed between the parties shall be decided by the Arbitration. The dispute has arisen on account of Deed of Partnership executed between the parties. The applicant cannot be deprived from his right to invoke arbitration clause on the ground that respondent has lodged FIR against him especially when the applicant has already been acquitted.

5. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a Sole Arbitrator to adjudicate the dispute between the parties.

6. Mr. Lal Chand, Additional District & Sessions Judge (Retd.), residing at House No.2458, Sector 23-C, Chandigarh, Mobile No.9988523522 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

7. The parties at the first instance will appear before the Arbitrator on 26.08.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

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10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

11. A request letter along with copy of this order be sent to Mr. Lal Chand.

12. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.08.2025*Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No