

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Suit No. 1377 of 2013

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Date	Order with signature of Judge
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For hearing of CMA No.4967/2014.

05.04.2018

Mr. Muhammad Anwar Tariq advocate for the plaintiff a/w Mr. Riaz Ahmed advocate.

Ms. Ismat Mehdi advocate.

Ch. Atif Rafiq advocate for the defendant No. 1 to 4.

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This is a suit for dissolution of partnership, rendition of accounts, permanent injunction and appointment of receiver. Primarily, the case is based on the partnership deed dated 08.05.2004 and Addendum/Amendment of partnership deed whereby the plaintiff was inducted as partner. In clause 15 of the partnership deed, the parties have mutually agreed that in case of any dispute, matter will be referred to the Arbitrator. For the ease of reference, Paragraph No. 15 of the partnership deed is reproduced as under:-

“15. That all the disputes and question arising between the parties in respect of this partnership, its continuation or discontinuation or winding up of the business whatsoever during the subsistence winding of this agreement or at the time dissolution shall be referred to the Arbitrators nominated and appointed with the provision of the Arbitration Act.”

Learned counsel for the defendants filed CMA No. 4967/2014 under Section 34 of the Arbitration Act, 1940 with the prayer that the proceedings may be stayed and matter may be referred to the Arbitrator in terms of Clause 15 of the partnership deed dated 08.05.2004. On last date of hearing, I

partly heard the arguments of Ch. Atif Rafiq, learned counsel for the defendant No. 1 to 4. However, Mr. Muhammad Anwar Tariq learned counsel for the plaintiff without prejudice to the contentions requested for one week's time for seeking some instructions from the plaintiff for the appointment of Arbitrator. Today, Mr. Anwar Tariq, Advocate agreed that Mr. Justice (Retd.) Nadeem Azhar Siddiqui may be appointed Arbitrator in this case on which Ch. Atif Rafiq, learned counsel for the defendant No. 1 to 4 has no objection. By consent, Mr. Justice (Retd.) Nadeem Azhar Siddiqui is appointed Arbitrator. The parties may file the reference before the learned Arbitrator. The learned Arbitrator shall deliver the award within four months after entering upon the reference. The learned Arbitrator may decide the fee and communicate to the parties directly. The proceedings are stayed. CMA No. 4967/2014 is disposed of accordingly.

JUDGE

Aadil Arab