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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb O.P(COM.DIV.) No. 179 of 2026

M/s.N.Sakthivel and Co.,
Rep by its Partner Mr.S.Sabarish,
S/o.Sakthivel,
having address at
Door No.7-9, Muthuvelappa Street,
Kaikolan Thottam,
Erode - 638 001.

..Petitioner(s)

Vs

M.Madhavi

..Respondent(s)

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to adjudicate the disputes between the petitioner and the Respondent arising out of the Building Construction Agreement dated 21.05.2024.

b) This Honourable Court may be pleased to direct the Respondent to pay the cost of the Petition.

For Petitioner(s): Mr.P.Vetrivel

For Respondent(s): Mr.Roshan Atiq.M



ORDER

This Arbitration Original Petition has been filed to appoint a Sole Arbitrator to adjudicate the disputes between the petitioner and the Respondent arising out of the Building Construction Agreement dated 21.05.2024 and to direct the Respondent to pay the cost of the Petition.

2. Heard Mr.P.Vetrivel, learned counsel for the petitioner and Mr.M.Roshan Atiq, learned counsel for the respondent.

3. The learned counsel appearing for the petitioner would submit that a partnership agreement had been entered into between the parties and disputes have arisen between them. Hence, the petitioner, invoking the clause of arbitration under the said agreement, had issued a notice under Section 21 of the Arbitration and Conciliation Act on 02.12.2025, nominating an Arbitrator. The respondent had issued a reply admitting the disputes that had arisen between the parties and also that the matter should be referred to arbitration. However, the respondent was not in agreement with the nomination made by the petitioner and had suggested two other names for appointment of an Arbitrator. A rejoinder was sent by the petitioner not acceding to the names suggested by the respondent. Hence, he seeks appointment of an Arbitrator.

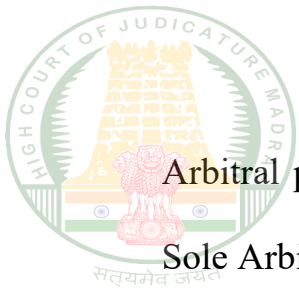


4. Countering his arguments, the learned counsel appearing for the respondent had opposed the said application and would submit that an Arbitrator should be appointed from the names suggested by the respondent. Apart from that, he would submit that the issues are also not arbitrable. Hence, he seeks dismissal of the application.

5. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. The Arbitration Clause as contained in the partnership agreement between the parties would indicate that any disputes in connection with the Partnership Firm arising between the partners would be referred to a three-member Arbitration Panel whose members have to be appointed from among the partners from time to time. However, from the notice of exchanges between the respective parties, it could be seen that they were inclined to resolve their disputes through a Sole Arbitrator.

7. The petitioner had appointed an Advocate as a Sole Arbitrator by issuing notice under Section 21A of the Arbitration and Conciliation Act, which had been replied to by the respondent, not acceding to the name suggested by the petitioner, but had suggested two other names for appointment as Arbitrator. In that context, the parties have waived their right to appoint a three-member



Arbitral panel and have expressly committed themselves for appointment of a
Sole Arbitrator.

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8. In such view of the matter, this Court is of the view that the disputes between the parties could be resolved by a Sole Arbitrator.

9. Considering the fact that the petitioner is residing in Erode District and the respondent is residing in Namakkal District, this Court is inclined to appoint an Arbitrator from a nearby locality, who has also been included in the panel of Arbitrators maintained by the Arbitration Centre attached to this Court.

10. Accordingly, **Justice Thiru.S.Sengottaiyan (Retired District Judge)** having address at **No.5, Vivekanandhar Street, Vettukattuvalasu, Near Erode North Police Station, Nasiyanoor Road, Erode – 638 011, (Mobile No:9842741166)** is appointed as the Sole Arbitrator. The learned Sole Arbitrator shall be entitled to fix his fees under Schedule IV of the Arbitration and Conciliation Act.

11. In fine, this petition is ordered. No costs.

02-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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To

Justice Thiru.S.Sengottaiyan,

Retired District Judge,

having address at No.5,

Vivekanandhar Street, Vettukattuvalasu,

Near Erode North Police Station,

Nasiyanoor Road, Erode – 638 011,

(Mobile No:9842741166)

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K.KUMARESH BABU, J.

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