



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb.O.P(COM.DIV.)No.318 of 2026

M/s.Prakash Chand Sidharth Kumar & Sons HUF,
Rep. By its Karta Mr.Prakash Chand Bohra,
S/o.Late Ratan Chand Bohra,
No.5, T.V.Road,
18, Akansha Apartments, Flat No.3,
1st Floor, Kuppusamy Road, Chetpet,
Chennai – 600 031.

..Petitioner

Vs

1. K.Gangabai
2. K.Chitambararaj

..Respondents

PRAYER : Petition filed under Section 15(2) of the Arbitration and Conciliation Act, 1996, to appoint a substituted Sole Arbitrator to adjudicate upon the differences and disputes between the parties under the agreement dated 05.10.2013 / 14.02.2014 from the stage at which it was left by the predecessor.

For Petitioner : Mr.S.Rajeni Ramdass

For Respondents : No appearance

ORDER

This Arbitration Original Petition has been filed under Section 15(2) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate upon the differences and disputes between the petitioner and the respondents in accordance with the terms of the Hire Purchase Agreement dated 05.10.2013 / 14.02.2014.

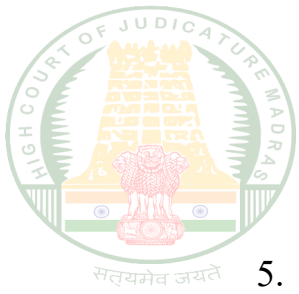


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2. Heard Mr.S.Rajeni Ramdass, learned counsel for the petitioner.

3. In spite of notice having been served upon the respondents, they have not chosen to appear either in person or through counsel. Their names were printed in the cause list. They were called absent and are set ex-parte.

4. A perusal of the Hire Purchase Agreement dated 05.10.2013/ 14.02.2014, entered into between the petitioner and the respondents, who are the legal heirs of the deceased borrower, reveals that the parties had agreed to resolve their disputes through arbitration. The petitioner issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996 on 25.02.2023. Since the respondents failed to make payment, the petitioner invoked the arbitration clause and referred the dispute to a Sole Arbitrator. Subsequently, by order dated 16.02.2026, the learned Arbitrator recused himself from the arbitral proceedings in view of the objections raised by the respondents on 06.12.2025 regarding the continuance of the arbitral proceedings. In such circumstances, the petitioner has approached this Court seeking appointment of a substitute Sole Arbitrator.



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5. In view of the arbitration clause contained in the agreement and considering the nature of claim, this Court deems it appropriate to appoint an Arbitrator. Accordingly, **Mr.S.Senthil Kumaran**, Advocate, (Mobile No.98408 37569) having office at No.249, New Additional Law Chambers, High Court Buildings, Madras – 600 104 and residing at No.17, Old No.4, Flat No.18, 3rd Floor, Senthil Flats, Bharathi Road, Opposite to Monford primary School, Perambur, Madras – 600 011, is appointed as Sole Arbitrator to enter upon the reference and resolve the disputes between the petitioner and the respondents.

6. The learned Sole Arbitrator is entitled to fix his fees as per the Schedule-IV of the Act. This Court further requests the learned Sole Arbitrator to endeavour to decide the dispute as expeditiously as possible.

7. Accordingly, this Arbitration Original Petition is ordered. No costs.

08-07-2026

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

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To

1. The Madras High Court Arbitration Centre,
Madras.
2. Mr.S.Senthil Kumaran,
Advocate,
(Mobile No.98408 37569)
Having office at No.249,
New Additional Law Chambers,
High Court Buildings, Madras – 600 104 and
Residing at No.17, Old No.4,
Flat No.18, 3rd Floor, Senthil Flats,
Bharathi Road,
Opposite to Monford primary School,
Perambur,
Madras – 600 011,



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Arb.O.P(COM.DIV.)No.318 of 2



K.KUMARESH BABU, J.

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08-07-2026