

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

AR.No. 6 of 2015 ()

PETITIONER:

ARUN KANNATH, AGED 41 YEARS,
S/O. K.J.ANTONY, ROSE AGNES VILLA, PLOT NO. 19,
GCDA COMPLEX, THOTTAKKATTUKARA, ALUVA-683108,
ERNAKULAM DISTRICT.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENTS:

1. M.T.ANTONY,
PARTNER, M/S. CLASSIS PAINTS, THE MONARCH,
3RD FLOOR, P.T.USHA ROAD, KOCHI-11.
2. SIMI ANTONY, AGED 42 YEARS,
D/O. M.T.ANTONY, RESIDING AT G-433,
PANAMPILLY NAGAR,
COCHIN-682036.
3. RAJI SIDHARTHAN, AGED 49 YEARS,
W/O. K.K.SIDARTHAN, RESIDING AT 29/1063, DEEPTHI,
JANATHA ROAD, VYTTILA, KOCHI-682019.
4. M/S. CLASSIC PAINTS
THE MONARCH, 3RD FLOOR, P.T.USHA ROAD,
KOCHI-11, REP. BY M.T.ANTONY, PARTNER.

R1, R3 & R4 BY ADV. JACOB VARGHESE (SR.)
ADV. SRI.VIVEK VARGHESE P.J.
ADV. SRI.VARUGHESE M EASO

THIS ARBITRATION REQUEST HAVING BEEN FINALLY
HEARD ON 08-04-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

P. BHAVADASAN, J.

A.R. No. 6 of 2015

Dated this the 8th day of April, 2015.

ORDER

This is a petition filed under Section 11 of the Arbitration and Conciliation Act seeking appointment of an Arbitrator. It is not in dispute that as per Annexure 2 any dispute between the partners or their legal representatives arising out of or in relation to the agreement shall be referred for decision to one or more Arbitrators appointed by the disputing parties. Reliance is placed on Annexure 2 Clause 21.

2. Learned counsel for the respondent contended that the applicant is not entitled to seek appointment of even number of Arbitrators by resorting to Section 11 of the Arbitration and Conciliation Act.

3. Learned counsel for the applicant fairly conceded that even number of Arbitrators cannot be

appointed. In the light of the said fact, the prayer to that extent is rejected.

4. In the petition for appointment of Arbitrator, it is pointed out by the learned counsel for the applicant that other reliefs are also sought for which falls within Section 11 of the Act. That of course cannot be granted.

In the result, this petition is disposed of as follows:

- i) Shri. James J. Muricken, Retired District Judge, is appointed as the Arbitrator.
- ii) The remuneration of the Arbitrator will be fixed by the Arbitrator in consultation with both parties.
- iii) The Arbitrator may make every endeavour to pass an order as expeditiously as possible, at any rate, within a period of six months from entering into Arbitration.

P. BHAVADASAN,
JUDGE

sb.