

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

AR.No. 17 of 2015

APPLICANT:

**MRS.JAYALAKSHMI NAIK,
PROPRIETOR OF M/S.SOBITH ENTERPRISES,
GROUND FLOOR, VALLAMATTAM ESTATE,
M.G.ROAD, RAVIPURAM,
RESIDING AT SMITHA HOUSE, 8/250,
R.G.PAI ROAD, KOCHI-682002.**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.SAJIN JOSEPH**

RESPONDENT(S):

**MISS. ASIN THOTTUMKAL, AGED 29 YEARS,
D/O.JOSEPH THOTTUMKAL, FLAT NO.603,
BUILDING NO.3B, GREEN ACRES, LOKHANDWALA,
ANDHERY WEST, MUMBAI-400053,
NOW RESIDING AT FLAT NO.10A,
TRITON APARTMENTS, MARINE DRIVE,
KOCHI-682031.**

BY ADV. SRI.K.J.KURIACHAN

**THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE 1 : TRUE COPY OF THE AGREEMENT DATED 14.9.13 BETWEEN PETITIONER AND THE RESPONDENT.
- ANNEXURE 2 : A TRUE COPY OF THE LAWYER NOTICE DATED 10.7.2014.
- ANNEXURE 3 : A TRUE COPY OF THE BILL DATED 31.7.2014.
- ANNEXURE 4 : A TRUE COPY OF THE LAWYER NOTICE DATED 7.8.2014.
- ANNEXURE 5 : A TRUE COPY OF THE REPLY NOTICE DATED 28.8.2014.
- ANNEXURE 6 : A TRUE COPY OF THE ORDER DATED 31.12.2014 IN IA.NO.6280 OF 2014 IN OP(ARBITRATION) OF THE DISTRICT JUDGE (VACATION COURT) ERNAKULAM.
- ANNEXURE 7 : A TRUE COPY OF THE ATTACHMENT ORDER DATED 31.12.2014 IN I.A.NO.6280 OF 2014 IN OP(ARBITRATION) OF THE DISTRICT JUDGE(VACATION COURT) ERNAKULAM.
- ANNEXURE 8 : A TRUE COPY OF THE NOTICE DATED 27.12.2014.
- ANNEXURE 9 : A TRUE COPY OF THE REPLY LETTER DATED 13.1.2015.
- ANNEXURE 10 : A TRUE COPY OF THE NOTICE DATED 10.2.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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A.R.No.17 of 2015

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Dated this the 22nd day of July, 2015

ORDER

Heard.

2. It seems that both the parties have in substance agreed that there is a dispute which has to be referred for Arbitration. Both the parties have expressed their willingness also to get the matter referred and resolved through Arbitration. The petitioner has suggested the name of a practising lawyer of this Court to be the Arbitrator. The respondent has suggested the name of a retired District Judge, who is practising before this Court, as Arbitrator.

3. When the parties have not come to terms with regard to the person, who has to be appointed as Arbitrator, this Court is of the view that Sri.P.Chandrasekharan Pillai, District Judge (Retired), 'Indeevaram', West Karuveli, Vennala Post, Kochi-28 can be appointed as Arbitrator in the

matter.

In the result, this Arbitration Request is allowed and Sri.P.Chandrasekharan Pillai, District Judge (Retired), 'Indeevaram', West Karuveli, Vennala Post, Kochi-28 is appointed as Arbitrator. The learned Arbitrator shall dispose of the matter as expeditiously as possible, at any rate, within a period of four months from today.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/22/7/15