

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

AR.No. 23 of 2015 ()

APPLICANT:

M/S. LOTS SHIPPING LIMITED,
OS # 34, GCDA COMPLEX, MARINE DRIVE,
KOCHI-682031, REP BY ITS DIRECTOR, MR.SANTHOSH M K,
AGED 50 YEARS,
S/O.KUTTAN KELU, MANDARAM, CHIRAMEL LANE,
RMV ROAD, ELAMAKKARA, KOCHI 26.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

OPPOSITE PARTY:

M/S. SURYA ASSOCIATES,
VANCHIYOOR BUILDING, S R P MARKET ROAD,
KARUNAGAPPALLY P O, KOLLAM DIST, PIN-690539.

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

DSV/5/8/15_{12/8}

AR.No. 23 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

A1 COPY OF THE AGREEMENT DATED 17.01.2014 BETWEEN THE
APPLICANT AND THE OPPOSITE PARTY.

A2 COPY OF THE COMMUNICATION ISSUED BY THE OPPOSITE PARTY ON
10.06.2014.

A3 COPY OF THE LETTER EVIDENCING THE EXTENSION OF PERIOD OF
AGREEMENT.

RESPONDENT'S ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/5/8/15

B.KEMAL PASHA, J.

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A.R.No.23 of 2015

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Dated this the 4th day of August, 2015

ORDER

This is an arbitration request preferred by the petitioner. The petitioner has entered into an agreement with the opposite party for letting out his barge namely 'DB EDAKOCHI' on monthly hire charges of Rs.4.5 lakhs. The period was initially fixed from 18.01.2014 to 17.04.2014 and the same was subsequently extended up to 17.12.2014. According to the petitioner, even after the period, the barge has not been returned and the opposite party has not been paying the hire charges also. Agreement was entered into through Annexure A1 agreement. Clause 13 of Annexure A1 agreement deals with the arbitration clause. In case of any dispute, the matter has to be resolved by arbitration as per Clause 13.

2. Even though notice has been served on the

respondent, there is no representation for the respondent.

Heard the learned counsel for the petitioner.

3. On hearing the submissions made by the learned counsel for the petitioner and on considering the facts and circumstances of this case, this Court is satisfied that there is a dispute, which has to be referred for arbitration under Clause 13 of Annexure A1 agreement.

In the result, this Arbitration Request is allowed and Sri.Sainudeen S., District Judge (Retired), Zayaan, MCRA-124, Manayilkulangara, Thirumullavaram P.O., Kollam-691 012 is appointed as Arbitrator in the matter.

Sd/-

B.KEMAL PASHA
JUDGE