

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

AR.No. 27 of 2014 ()

APPLICANTS:

- 1. T.V. KUNJIKRISHNAN, AGED 89 YEARS,
S/O VELUTHAKUNJU, "KULIRMA", KANNAMPALLY BHAGOM,
KAYAMKULAM, ALAPPUZHA - 690 502, MANAGING PARTNER,
M/S.T.VK CONSTRUCTIONS, KARUNAGAPPALLY.**
- 2. M/S. T.V.K. CONSTRUCTIONS,
MOONUTHENGIL BUILDING, PADA-SOUTH,
KARUNAGAPPALLY, KOLLAM DISTRICT,
REPRESENTED BY ITS MANAGING PARTNER
T.V.KUNJIKRISHNAN.**

BY ADV. SRI.MATHEW KURIAKOSE.

OPPOSITE PARTY:

**P.M. JAWAHAR, AGED 65 YEARS,
S/O MADHAVAN, PROPRIETOR,
M/S.JAWAHAR MARITIME CORPORATION,
19/120, PULLARKAT, N. PARAVOOR,
ERNAKULAM DISTRICT.**

**BY SRI.GRASHIOUS KURIAKOSE, SENIOR ADVOCATE.
ADV. SRI.V.V.NANDAGOPAL NAMBIAR.**

**THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE 1** COPY OF THE AGREEMENT DATED 17/05/2012 EXECUTED BETWEEN THE 1ST APPLICANT AND THE OPPOSITE PARTY.
- ANNEXURE 2** COPY OF THE REGISTERED NOTICE DATED 21/11/2013 ISSUED BY THE SECOND APPLICANT TO THE OPPOSITE PARTY.
- ANNEXURE 3** COPY OF THE LAWYER'S NOTICE DATED 06/01/2014 ISSUED BY THE COUNSEL FOR THE OPPOSITE PARTY TO THE APPLICANTS AND OTHERS.
- ANNEXURE 4** COPY OF THE REPLY NOTICE DATED 28/01/2014 ISSUED AT THE INSTANCE OF THE APPLICANTS AND OTHERS TO THE COUNSEL FOR THE OPPOSITE PARTY.
- ANNEXURE 5** COPY OF THE NOTICE DATED 12/03/2014 ISSUED AT THE INSTANCE OF THE APPLICANTS TO THE OPPOSITE PARTY.
- ANNEXURE 6** COPY OF THE REPLY NOTICE DATED 25/03/2014 ISSUED BY THE COUNSEL FOR THE OPPOSITE PARTY TO THE COUNSEL FOR THE APPLICANTS.
- ANNEXURE 7** COPY OF THE NOTICE DATED 22/03/2014 ISSUED BY ADV. SHRI BORIS PAUL T THE APPLICANTS.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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A.R.No.27 of 2014

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Dated this the 29th day of July, 2015

ORDER

In the arbitration request, consensus has been arrived at between the petitioners and the counter petitioner for the appointment of an Arbitrator. It seems that a subsisting dispute is there, which has to be referred for arbitration in view of the arbitration clause in the agreement.

In the result, Sri.D. Pappachan, District Judge (Retired), H.No.32/1603, YMCA Road, Palarivattom P.O., Kochi-682 025 is appointed as the Arbitrator.

This Arbitration Request is disposed of as above.

Sd/-

**B.KEMAL PASHA
JUDGE**