

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

AR.No. 36 of 2015 ()

APPLICANT :

**M/S. WOODFUN,
CONTRACTORS (INTEROR AND ELECTRICAL),
REPRESENTED BY ITS PARTNER G.S.MAKHANI,
E-13/14, SUKHDAYAK SOCEITY, J.B.NAGAR,
ANDHERI (E), MUMBAI -400 059**

BY ADV. SRI.R.V.SUJIT KUMAR

RESPONDENT:

**COCHIN INTERNATIONAL AIRPORT LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
COCHIN INTERNATIONAL AIRPORT LTD,
KOCHI AIRPORT (P.O)., ERNAKULAM 683111**

**BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH MENON
SRI.BENNY P. THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS**

**THIS ARBITRATION REQUEST HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

AR.No. 36 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

- | | |
|----------------|---|
| ANNEX 1 | COPY OF THE LAWYER NOTICE ISSUED BY THE PETITIONER |
| ANNEX 2 | COPY OF THE REPLY NOTICE DATED 06/08/2015 ISSUED BY
RESPONDENT |
| ANNEX 3 | COPY OF THE RELEVANT PAGE SHOWING THE ARBITRATION CLAUSE
IN THE AGREEMENT. |

RESPONDENT'S ANNEXURES:	NIL
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/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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Arbitration Request No. 36 of 2015

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Dated this the 14th day of October, 2015

O R D E R

The petitioner entered into a contract with the respondent. There are some disputes between the petitioner and the respondent. The petitioner approached this Court to appoint an Arbitrator by this Court to resolve the disputes.

2. There is no dispute regarding that in the event of any dispute, the matter has to be decided by the Sole Arbitrator. However in the counter it is contented that the petitioner's claim is barred by limitation. Therefore the respondent objects appointment of an arbitrator.

3. This Court is of the view that the respondent is free to raise the plea of limitation before the Arbitration Tribunal. The above objection cannot be a ground to object appointment of Arbitrator. Therefore considering the facts and circumstances, P.R Shaji Advocate is appointed as sole Arbitrator. The Arbitrator is free to fix his remuneration in consultation with the parties.

The Arbitration Request is disposed of.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE