

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. 48 of 2014

PETITIONER(S):

**UDAYAKUMAR R., AGED 63 YEARS,
S/O. LATE CHERTHADATH MALLAYYA RESIDING AT CHITRA,
V.K.N. MENON ROAD, MYLIPPADAM, THRISSUR - 680 020,**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

RESPONDENT(S):

**1. R. ANIL KUMAR,
S/O. CHERTHEDATH RAGHUNATHA MALLAYYA, FLAT D,
INDRAPRASTHA APARTMENTS, PADMA VILAS LAANE,
NEAR PADMA THEATRE, TD ROAD, ERNAKULAM - 682 035,**

**2. LEELA SUDHAKAR,
W/O SRI. M.S PRABHU, RESIDING AT MAAYA VIHAR,
TATA HOSPITAL JUNCTION, CHOTTANIKKARA - 682 312.**

**R1 BY ADV. SRI.HARISH R. MENON
R1 & R2 BY ADV. SRI.K.T.SHYAMKUMAR**

**THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD ON
22-07-2015 ALONG WITH AR.49/2014 THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

msv/

AR.No. 48 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEUXRE I: A TRUE COPY OF THE PARTNERSHIP DEED EXECUTED BETWEEN THE
PETITIONER AND THE RESPONDENTS DTD.1.4.1992.**

**ANNEXURE II: A TRUE COPY OF THE NOTICE SEND BY THE PETITIONER TO THE
RESPONDENTS HEREIN DTD.17.12.2013.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Arbitration Request Nos.48 & 49 of 2014
.....

Dated this the 22nd day of July, 2015

ORDER

~ ~ ~ ~ ~

Both the matters relate to arbitration request in the same matter. It seems that there is a dispute pending between the parties which has to be referred for mediation. Clause 17 of Annexure-I partnership deed deals with arbitration clause. In case of a subsisting dispute between the partners, the matter has to be referred for mediation within the meaning of clause 17 of Annexure-I. Even though it seems that the parties have mentioned in Annexure-I that arbitration shall be governed by the provisions of the Indian Arbitration Act, 1940, the Arbitration and Conciliation Act, 1996 have to be followed in the matter, as the Act of 1940 stood repealed on the date of Annexure-I.

2. The parties are referred for mediation.

AR.48&49/2014

: 2 :

Sri.P.S.Divakaran, District Judge(Retired), Panickassery,
Kappadamugal Road, Kalamassery, Vadacode PO,
Kochi-21 is appointed as the Arbitrator.

These Arbitration Requests are allowed as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/22/07

// True Copy //

PA to Judge