

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

AR.No. 52 of 2014 ()

PETITIONER:

FASTRACK CAREER CENTRE,
1ST FLOOR, SSK ENCLAVE, DEEVOR ROAD,
THEVARA, COCHIN -682 015,
REPRESENTED BY ITS PROPRIETOR CDR.P.T JOHN (RETD).

BY ADVS.SRI.ANIL XAVIER,
SRI.M.SHAHEED AHMAD,
SRI.M.RISHIKESH SHENOY,
SMT.O.K.DEEPAMOL.

RESPONDENT:

EDYOUNET TELECLASSROOMS LIMITED,
2ND FLOOR, KINFRA PARK CENTER, INFOPARK,
KUSUMAGIRI P.O, KAKKANAD, COCHIN- 682 030.

BY ADVS. SRI.BLAZE K.JOSE,
SRI.RAHUL SASI,
SMT.NEETHU PREM,
SRI.ANIL VIJAYAN,
SRI.RAJAN THOMAS,
SRI.SAJIN JOSEPH.

THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|-------------------|--|
| ANNEXURE A | COPY OF THE ARBITRATION AGREEMENT DATED 10/06/2012 EXECUTED BETWEEN THE PETITIONER AND THE RESPONDENT APPOINTING THE PETITIONER AS THEIR FRANCHISEE. |
| ANNEXURE B | COPY OF THE LEGAL NOTICE DATED 12/08/2013 ISSUED BY THE PETITIONER TO THE RESPONDENT. |
| ANNEXURE C | COPY OF THE NOTICE DATED 10/02/2014 ISSUED BY THE KELSA REQUESTING APPEARANCE. |
| ANNEXURE D | COPY OF THE NOTICE DATED 20/05/2014 ISSUED BY THE PETITIONER TO THE RESPONDENT REQUESTING TO REFER ALL DISPUTES AND DIFFERENCES TO ARBITRATION BY NOMINATING AND APPOINTING MR.G. SHRIKUMAR, SENIOR ADVOCATE, HIGH COURT OF KERALA, AS THE SOLE ARBITRATOR. |
| ANNEXURE E | COPY OF THE REPLY NOTICE DATED 20/06/2014 ISSUED BY THE RESPONDENT TO THE PETITIONER. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
Arbitration Request No.52 of 2014
.....

Dated this the 4th day of June, 2015

O R D E R

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This is an arbitration request from the part of the petitioner. It seems that the respondent is also not standing in the way. The facts of the case are self speaking. Clause No.19.4 of Annexure-A Franchise Agreement enables the parties to have recourse to the appointment of an Arbitrator as per the Arbitration and Conciliation Act, 1996. It seems that the respondent has not nominated any person as Arbitrator. The petitioner has nominated a person to be appointed as Arbitrator.

2. On a perusal of the records, it seems that there is a dispute between the parties which enables the parties to have recourse to arbitration. According to the learned counsel for the respondent, any other competent person, other than the particular person nominated by the petitioner,

may be appointed as Arbitrator in the matter. Sri.M.V.S.Namboothiri, Prasanthi, Lisie Hospital Road, Ernakulam, Kochi-682 018, whose name finds a place as the first one in the list of Advocates, who can be appointed as Arbitrators, is appointed as Arbitrator.

3. The learned Arbitrator shall complete the arbitration proceedings and pass the arbitral award, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this order.

This Arbitration Request is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/04/06

// True Copy //

PA to Judge