

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

AR.No. 75 of 2014

PETITIONER(S):

- 1. M. RAMAKRISHNAN,
L-22, DEW BUILDING, ARIHANT ESCAPADE
THORAIPAKKAM, CHENNAI-600 097, INDIA.**
- 2. MRS. JAYASHREE RAMAKRISHNAN
L-22, DEW BUILDING, ARIHANT ESCAPADE
THORAIPAKKAM, CHENNAI-600 097, INDIA.**

BY ADV. SRI.T.R.RAJAN

RESPONDENT(S):

**M/S. HOYSALA PROJECTS (P) LTD
104, GROUND FLOOR, INFANTRY TECHNO PARK
INFANTRY ROAD, BANGALORE
REPRESENTED BY ITS MANAGING DIRECTOR, PIN.560 001.**

BY ADV. SRI.ABRAHAM P.GEORGE

**THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' ANNEXURES

- A1: TRUE COPY OF THE AGREEMENT OF SALE DATED 16/8/12 EXECUTED
BETWEEN THE APPLICATS AND THE RESPONDENT**
- A2: TRUE COPY OF THE NOTICE/REQUEST DATED 8/10/14 OF THE COUNSEL FOR
THE APPLICANTS TO THE RESPONDENT**
- A3: TRUE COPY OF THE COMMUNICATION DATED 15/11/14 OF THE COUNSEL FOR
THE RESPONDENT TO THE COUNSEL FOR THE APPLICANTS.**

RESPONDENTS' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

Arbitration Request No.75 of 2014

Dated this the 27th day of March, 2015

ORDER

Mr. Justice S.S. Satheesachandran (Rtd.), who was appointed as the Arbitrator has requested this Court by letter dated 11.03.2015 that he may be exempted from functioning as the Arbitrator.

In the light of the said letter, his request is accepted and he is exempted from the arbitration proceedings.

..... is appointed as Arbitrator on the same terms and conditions.

**P.BHAVADASAN
JUDGE**

ds

P.BHAVADASAN, J.

Arbitration Request No.75 of 2014

Dated this the 26th day of February, 2015

ORDER

Suffice to say that in relation to Annexure A1, agreement, dispute arose between the parties and the petitioner, by Annexure A2, sought resolution of the dispute by appointment of an Arbitrator. When no response was received, the petitioner moved this Court under Section 11 of the Arbitration and Conciliation Act, 1996.

2. The respondent has entered appearance and filed a counter. A reading of the counter only fortifies that there is a dispute between the parties which needs to be resolved. Going by clause 16 of Annexure A1 agreement, if any dispute arises between the developers and purchasers, thus such dispute shall be resolved by resorting to arbitration. The requisite notice calling upon respondent is Annexure A2.

3. After having heard the learned counsel on both

sides, this Court is satisfied that the dispute is still alive and the matter needs to be resolved through arbitration.

In the result, this petition is allowed as follows:

- i) Mr. Justice S.S. Satheesachandran (Rtd.)
is appointed as Arbitrator.
- ii) The remuneration of the Arbitrator will be
fixed by the Arbitrator in consultation
with both parties.
- iii) Award shall be passed within a period of
six months from the date of entering into
arbitration.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge

A.R. No.75 of 2014

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