

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09..2015

C O R A M

The Hon'ble Mr. **SANJAY KISHAN KAUL**, Chief Justice

Original Petition No.274 of 2014

M/s.Vaam Industries
represented by its Proprietrix
K.Reji
W/o.George (Late)
No.16/61B, Vasanth Bhavan,
Simon Nagar, Nagercoil .. Petitioner

versus

1.National Insurance Company Ltd.,
represented by its Branch Manager
1st Floor, Angu Villas Building,
North Car Street, Nagercoil.

2.National Insurance Company Ltd.,
represented by its Divisional Manager
37-C, S.N.High Road,
Tirunelveli .. Respondents

Prayer : *Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator to resolve the dispute between the parties arising out of Arbitration Clause 11 of the Insurance Policy and the consent award dated 24.02.2011 passed by the State Consumer Disputes Redressal Commission, Chennai.*

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For Petitioner : Mr.R.Venkatavarthan
For Respondents : Mr.M.B.Raghavan for R.1 and R.2

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O R D E R

The learned counsel for the respondents concedes that unfortunately they lost out on the opportunity to appoint an Arbitrator, though they were inclined to appoint the Surveyor as Arbitrator.

2. Learned counsel for the petitioner states that the Surveyor is not acceptable to them as Arbitrator now and any Retired District Judge/Additional District Judge may be appointed as an Arbitrator to resolve the dispute between the parties.

3. Learned counsel for the parties jointly proposed the name of Thiru.Mohamed Essath Ali, a retired District Judge, as the Sole Arbitrator, and jointly agreed for the place of arbitration at Nagercoil.

4. In view of the arbitration agreement existing between the parties and in view of the aforesaid proposal, I appoint **Thiru.Mohamed Essath Ali, a retired District Judge**, residing at Plot No.A-1, Park Road, Christopher Nagar, Peruvilai, Parvathipuram, Nagercoil, Kanyakumari District -99 (Mobile-9443188222), as the Sole Arbitrator to enter upon the reference and adjudicate the disputes *inter se* the parties. The venue of arbitration will be Nagercoil.

The fee of the Arbitrator will be governed by the Rules of the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014, which shall be borne by the parties equally, apart from other incidental expenses.

5. The original petition is accordingly allowed, leaving the parties to bear their own costs.

Sd/(S.K.K., CJ.)

11.09.2015

//Certified to be a true copy//
Dated this the day of 2015.

R.s/16.10.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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