

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

O.S.A.No.173 of 2015

M/s.Alliance Infrastructure Projects
Private Limited, formerly known as
M/s.Alliance Retreat Pvt. Ltd., Rep. by
its Director.

(Cause title accepted vide order of Court
dated 20.8.2015 made in M.P.No.1 of 2015) .. Appellant/Petitioner

-vs-

M.Muthaiah .. Respondent/Respondent

Appeal filed under Order XXXVI Rule 9 of the O.S. Rules read with
Clause 15 of the Letters Patent Appeal against the order dated
07.07.2015 passed in A.No.5894 of 2014 on the file of original side
of this Court.

For Appellant : Mr.S.Sethuraman

For Respondent : Mr.V.Chandraprabhu
on Caveat.

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it is agreed as
under:

1. The impugned order is modified to the extent that apart from the restraint on the respondent against alienation of property, the claim for interest, if ordered, will stand as a charge on the property of which possession is to be handed over to the respondent;

2. Learned counsel for parties agree that instead of filing proceedings under Section 11 of the Arbitration and Conciliation Act, 1996, they are willing to agree on an Arbitrator in the present proceedings. Mr.V.Arumugam, a retired Judicial Officer, is suggested as the Arbitrator. Thus, the said Arbitrator will proceed to act as an Arbitrator and the arbitration proceedings will be conducted under the aegis of the Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Centre.

3. As an effort to settle the disputes before the arbitration commences, the learned counsel for parties seek to approach a Mediator and thus, request that a window may be given to make endeavour to settle the disputes. Towards that objective, the parties will appear before the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, on 07.09.2015 at 2.15 p.m. and a window of one month period is given for the Mediator to settle the dispute or any extended period thereto as may be granted by this Court. In case, the mediation does not succeed, then the arbitration proceedings will commence.

2. Original Side Appeal is, accordingly, disposed of, with consent of learned counsel for parties. No costs. Consequently, M.P.No.1 of 2015 is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

Note : Note: Mark a copy to

- (i) The Assistant Registrar,
Mediation and Conciliation Centre,
Madras High Court Campus.
- (ii) The Addl. Registrar-Vigilance
Madras High Court Arbitration Centre,
Madras High Court Campus, Chennai.
- (iii) The Arbitrator, as referred above.

To

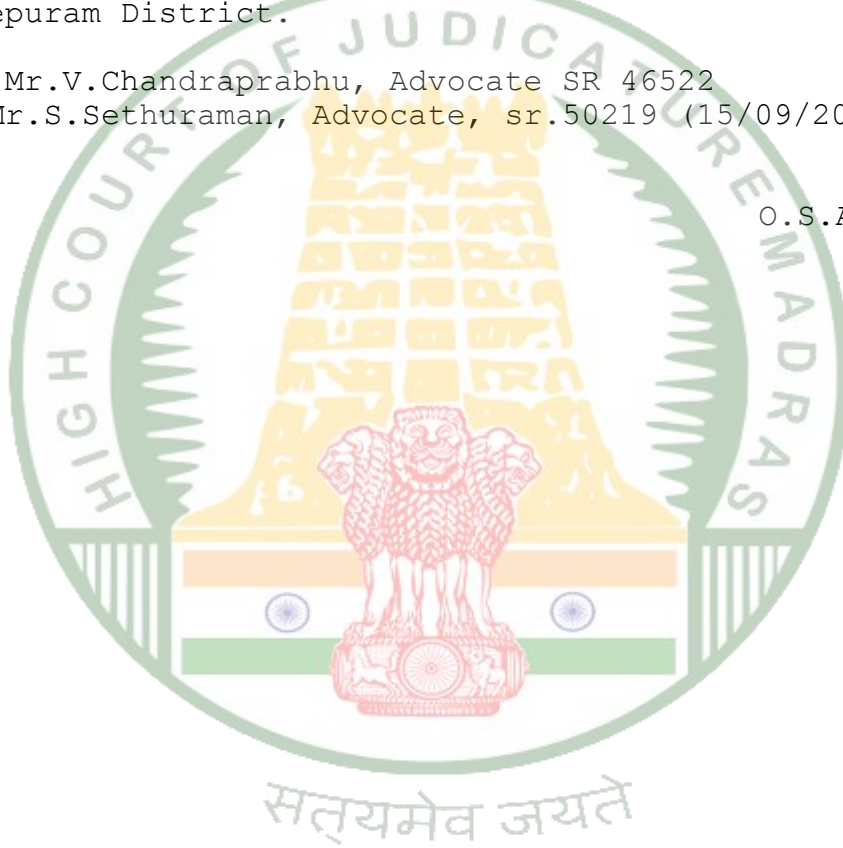
- 1. The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

2. The Assistant Registrar,
Mediation and Conciliation Centre,
Madras High Court Campus,
Madras.
3. The Addl.Registrar - Vigilance,
Madras High Court Arbitration Centre,
Madras High Court Campus, Chennai.
4. Mr.V.Arumugam (Retd.) District Judge,
Judicial Officer(Arbitrator)
Vasavasamuthiram village,
Vayalure Post, Thirukazhukundram Taluk,
Kancheepuram District.

+ 1 cc to Mr.V.Chandraprabhu, Advocate SR 46522
+1 cc to Mr.S.Sethuraman, Advocate, sr.50219 (15/09/2015)

rj(co)
prk8/9

O.S.A.No.173 of 2015



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