

In the High Court of Judicature at Madras

Dated : 26.06.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.No.307 of 2015

1.P.Rajamani
2.R.Vijaya

.. Petitioners

-VS-

1.M/s.Shrie Sakthi Finance Corporation,
I Floor, Five Star Plaza,
Salem Main Road, Sankagiri,
Salem District-637 301.

2.K.Murugesan
3.K.M.Prabhu
4.M.Senthamaraiselvi
5.K.Athayee
6.P.Ravisankar
7.P.M.Narmatha
8.B.Naveen
9.B.Vasanthi

.. Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint any competent person as an Arbitrator to adjudicate upon the dispute arisen between the petitioners and the respondents.

For Petitioner

: Mr.G.Kalyan Jhabakh
for
M/s.Surana & Surana

For Respondent

: Mr.P.Dorairajan for R6 to R9

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ORDER

The partnership in the name and style of the first respondent was constituted with the petitioners and respondent Nos.2 to 9 as partners as per the partnership deed dated 31.03.2013. Clause 15 of the partnership deed contains mode of resolution of disputes as arbitration.

2. The petitioners sought to retire from the partnership after a year and sent the deed of retirement dated 31.03.2014, which was not however, agreed to by the respondents. The petitioners, thus, issued notice through their counsel dated 13.01.2015 on account of non-settlement of the accounts of the petitioners and proposed the name of three retired District Judges as the sole Arbitrators. Respondent Nos.6 to 9 have sent their reply dated 09.02.2015 stating that any one of three was acceptable to them. There was no response from the other respondents. The petitioners, thus, filed the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996.

3. Notices have been served on all the respondents, but only respondent Nos.6 to 9 have entered appearance. Name of respondent Nos.1 to 5 have been printed in the cause list. No reply has been filed and it is the case of no return.

4. The learned counsel for respondent Nos.6 to 9 now states that

the person at Serial Number (a) in the notice dated 13.01.2015 may be appointed as the sole Arbitrator.

5. In view of the aforesaid, I appoint **Mr.N.Kaliyamurthy**, a retired District Judge, residing at No.20/18, 'C', 'Suprabhath', Bharathidasan street, Nilamangai Nagar, Adampakkam, Chennai-600 088 as the Sole Arbitrator to enter upon the reference and adjudicate the disputes *inter se* the parties. The arbitration proceedings will be conducted under the ageis of Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Madras High Court Arbitration Centre (MHCAC) (Arbitration Proceedings) & (Administrative Cost and Arbitrators' Fees) Rules, 2014.

6. The Original Petition, accordingly, stands allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
26.06.2015

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Note: Mark a copy to

(i) The Addl. Registrar-Vigilance

Madras High Court Arbitration Centre,
Madras High Court Campus, Chennai.

(ii)The Arbitrator, as referred above.

The Hon'ble Chief Justice

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