

In the High Court of Judicature at Madras

Dated : 11.12.2015

Coram :

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

O.P.No.793 of 2015

1.V.S.Ravichandran
2.M/s.MSM Reality,
rep. by its Partner K.Mahesh,
Having office at
11/28, E Block, Guru Ishwarya Garden,
Madhavaram High Road II Street,
Perambur, Chennai-600 011. .. Petitioners

-VS-

1.G.Ramesh
2.R.Akilandeswari
3.S.Viswanathan
4.K.Sivakumar
5.Chidambaram Poly Bags,
Having office at 97, Valluvar Kottam High Road,
Nungambakkam,
Chennai-600 034. .. Respondents

Petition filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, to appoint an independent and impartial sole arbitrator as provided under Clause 21 of the Agreement.

For Petitioner : Mr.Satish Parasaran

For Respondents : Ms.Bhavani Subbaroyan
for
M/s.Royan Law Associates

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ORDER

The only defence which the learned counsel for the respondents seeks to take, especially keeping in mind her stand before the proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 (herein after referred to the “said Act”) is that the parties are governed by the shares as per the earlier partnership deed dated 31.12.2012 and that the subsequent partnership deed dated 29.07.2013 is disputed as the shares vary. That the parties agreed for arbitration as the mode of settlement is not an issue.

2. It is informed that the partnership deed dated 29.07.2013 has been referred for forensic examination in the proceedings under Section 9 of the said Act and the report of the forensic expert is awaited.

3. In the factual matrix, it is agreed that the disputes be referred for arbitration through a Single Arbitrator under the aegis of the Madras High Court Arbitration Centre, subject to the caveat that in so far as the reliance on the partnership deed dated 29.07.2013 is concerned, that issue would be examined by the Arbitrator with the report of the forensic department being placed before the Arbitrator.

4. The learned counsel for parties jointly propose and agree that Mr.Justice S.Rajeswaran may be appointed as the Sole Arbitrator.

5. I, thus, appoint Mr.Justice S.Rajeswaran, a retired Judge of this Court to enter upon the reference and adjudicate the disputes *inter se* the parties. 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 Madras High Court Arbitration Centre (MHCAC) (Arbitration Proceedings) & (Administrative Cost and Arbitrators' Fees) Rules, 2014.

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

(S.K.K., CJ.)
11.12.2015

Index : Yes/No
Internet : Yes/No
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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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