

In the High Court of Judicature at Madras

Dated : 03.07.2015

Coram :

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

O.P.No.696 of 2011

A.Somasundaram

.. Petitioner

-VS-

K.Venkat Prasad

.. Respondent

Petition filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator in terms of Section 11(5) of the Arbitration and Conciliation Act, 1996 to resolve the disputes that have arisen between the petitioner and the respondent by the single arbitration.

For Petitioner : Mr.N.Surya Senthil

For Respondent : Mmr.T.Gowthaman

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ORDER

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

- (i) The parties will initially endeavour to settle the disputes, through the process of mediation for which purpose the matter is referred to the Madras High Court Mediation and Conciliation Centre.
- (ii) The parties will appear before the Madras High Court Mediation and Conciliation Centre on 14.07.2015 at 2.15 P.M. and the Mediator will endeavour to conclude the mediation within a period of two months from that date or any extended period, as may be granted by this Court.
- (iii) If a settlement is arrived at as aforesaid, that would resolve the disputes, failing which the parties will resolve their disputes through arbitration in view of the arbitration Clause 5 of the Memo of Understanding dated 22.12.2008.
- (iv) It will be open to the respondent to raise all the objection in fact and in law available, including the plea of fraud and forgery qua the Memo of Understanding, to be determined by the Arbitrator.
- (v) The Arbitrator will commence the arbitration proceedings only on the expiry of two months or any

extended period, as has been granted for concluding the mediation process.

2. I, thus, by consent appoint **Mr.Justice K.Venkataraman**, a retired Judge of this Court as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties in the present case. The learned counsel for parties propose and agree that the arbitration be held at Chennai instead of Coimbatore, the arbitration 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. Ordered accordingly.

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

(S.K.K., C.J.)
03.07.2015

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Index : Yes/No

Internet : Yes/No

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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