

In the High Court of Judicature at Madras

Dated : 12.02.2016

Coram :

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

O.P.No.984 of 2015

M/s.Kerns Aero Product (P) Ltd.,
rep. by its Authorised Signatory V.Srinivasan,
No.A-10, Sipcot, Industrial Park,
Irugattukotai,
Sriperumbudur Taluk,
Kancheepuram District-602 105.

.. Petitioner

-VS-

M/s.Karthik Engineering,
rep. by its Managing Partner T.Venkatesh,
No.6, Northphase,
Industrial Estate,
Ekkaduthangal,
Chennai-600 032.

.. Respondent

Petition filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to decide the disputes and differences between the petitioner and the respondent in terms of the Lease dated 31.08.2011.

For Petitioner : Mr.A.Abdul Hameed
for
M/s.AAV Partners

For Respondent : M/s.K.S.Kumar

* * * * *

ORDER

On hearing the learned counsel for parties, it is apparent that the dispute between the landlord and the tenant emanates from the lease deed dated 31.08.2011, which contains a dispute resolution clause No.24 providing for an arbitration.

2. In view of the aforesaid position, it is agreed that Mr. Justice E. Padmanabhan, a retired Judge of this Court be appointed as the Sole Arbitrator to enter upon the reference and adjudicate the disputes *inter se* the parties. As agreed by the learned counsel for 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.

3. All pleas and defences are left open to the parties to be raised before the Arbitrator including the plea of the respondent of there being no valid claim made by the petitioner.

4. The Original Petition is accordingly allowed, leaving the parties

to bear their own costs.

5. In the given facts of the case, it is directed that the total fee and charges for the arbitration shall be initially borne by the petitioner to form part of the main cause.

(S.K.K., CJ.)
12.02.2016

Index : Yes/No

Internet : Yes/No

bbr

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

bbr

O.P.No.984 of 2016

12.02.2016