

In the High Court of Judicature at Madras

Dated : 15.07.2016

Coram :

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

O.P.No.349 of 2016

1.Prem Chand Jain (died)
2.Promila Jain
3.Jitender Kumar Jain
4.Harish Kumar
5.Sonal
6.Mahaveer Chand Bafna .. Petitioners

-vs-

1.K.B.Jain Trust and Dhanraj Jugraj
Barmecha Charity Trust,
Rep. by its Managing Trustee,
Mr.Jawarilal Barmecha.
2.Dharmichand Barmecha
3.Inderchand Barmecha
4.Shanthilal .. Respondents

Petition filed under Section 11 (6) (c) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate upon the differences and disputes between the parties hereto.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.AR.L.Sundaresan, Sr. Counsel
for M/s.AL.Gandhimathi

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O R D E R

Learned counsel for the respondents has entered appearance. Learned Senior Counsel for the respondents states that there are certain subsequent agreements inter se the parties, which superseded the agreement in question, which contains the arbitration clause. However, he concedes that those agreements do not state that they are in supersedence of the earlier agreement. Thus, it is conceded that the issue of subsequent agreements would be at best a matter of defence in the arbitration proceedings.

2.The existence of the agreement, existence of disputes and arbitration clause being there in the agreement with the jurisdiction of Chennai Court not being in issue, it is agreed that a Sole Arbitrator may be appointed by this Court to adjudicate the disputes inter se the parties.

3.Thus, as proposed and agreed, I appoint **Mr.Justice S.Rajeswaran, a retired Judge of this Court,** as the Sole Arbitrator to enter upon the reference and adjudicate the

disputes inter se the parties. As requested, 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.

4.The original petition is, accordingly, allowed, leaving the parties to bear their own costs.

Sd/. S.K.K., CJ.
15.07.2016

//Certified to be a true copy//

Dated this day of 2016

S.s/.26.07.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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