

In the High Court of Judicature at Madras

Dated : 05.08.2016

Coram :

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

O.P.Nos.457 to 460 of 2016

1.G.Mohan Kumar

2.M.Sumathi

... Petitioners in OP.457/2016

Sasikumar G.M.

... Petitioner in OP.458/2016

Madhu A.G.

... Petitioner in OP.459/2016

Girija Devi Hari Kumar Menon

... Petitioner in OP.460/2016

-vs-

M/s.EVP Housing Chennai Pvt. Ltd.,

No.23, Sir, Thiyagaraya Road,

Pondi Bazaar, T.Nagar,

Chennai 600 017.

... Respondents in all OPs.

Petitions filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator in the matter of dispute between the petitioner and respondent in the matter of Agreements for Sale of Land, Development and Construction executed on 01.12.2006, 11.04.2007, 26.03.2007 and 09.04.2007 respectively.

For Petitioners : Mr.B.Ravi Raja

For Respondent : Mr.S.Mohana Sundara Raja

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O R D E R

Learned counsel for parties state that undoubtedly disputes have arisen, that there is an arbitration clause

inter se the parties in the given contracts with jurisdiction being of Chennai Courts. There was, however, disagreement over who should be the Sole Arbitrator.

2.The other aspect pointed out by the learned counsels is that an endeavour is being made in mediation through Mrs.Uma Ramanathan, Advocate, as the Mediator.

3.In view of the aforesaid, the following agreed common order is passed in all these matters:

- a) The parties will first endeavour to resolve the disputes through mediation, for which mediation process is already on before Mrs.Uma Ramanathan, Advocate. The mediation process be concluded within two (2) months or any extended period as may be granted by this Court.
- b) In case, for any reason, the mediation process is not successful, the parties agree to go to arbitration governed by the Madras High Court Arbitration Centre and the Rules framed thereunder.
- c) **Mr.P.H.Aravind Pandian, Senior Advocate,** is agreed to be the Sole Arbitrator in such eventuality. The arbitration would naturally commence only if the mediation process does not succeed.
- d) The arbitration will be a joint arbitration, by

consent of the parties.

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

sd.(S.K.K., CJ.)

05.08.2016

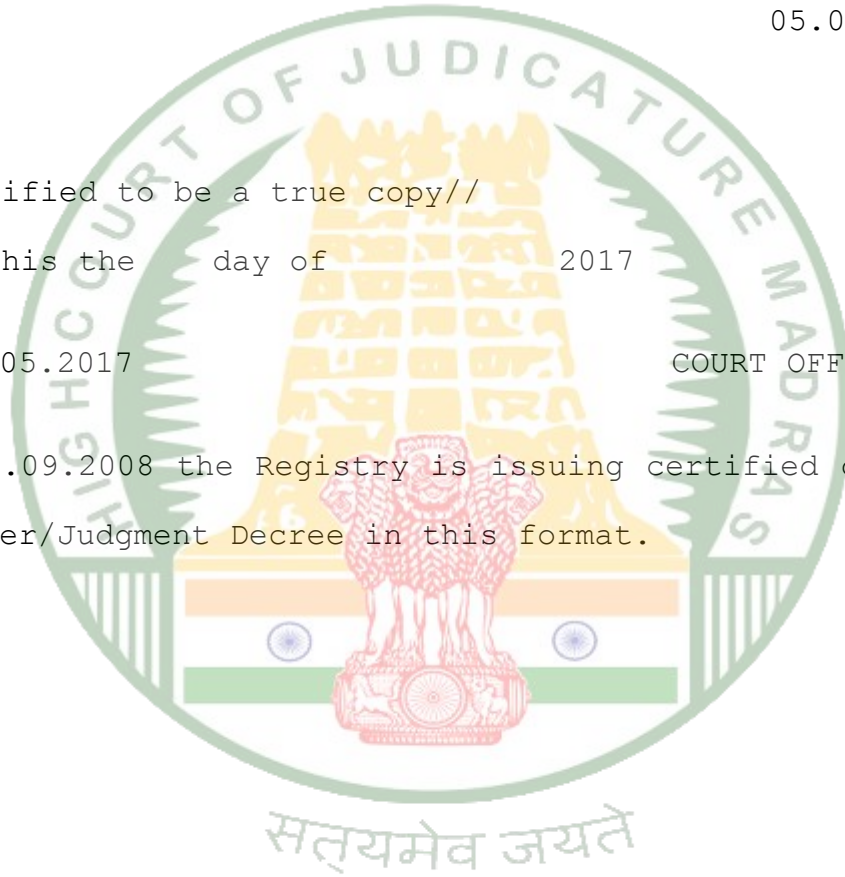
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Dated this the day of 2017

R.s/09.05.2017

COURT OFFICER

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