

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2016

C O R A M

The Hon'ble Mr. **SANJAY KISHAN KAUL**, Chief Justice

Original Petition No.508 of 2016

M/s.Partner Holdings LLP,
rep. By its Designated Partner J.S.Shekar
having Office at: CD 9, 9th Floor,
3rd Block, Sidharth Heights,
55, Arcot Road, Saligramam,
Chennai 600093.

.. Petitioner

versus

1.Ms.Preethi Sunder Ram
M-107/17,29th Cross Street,
Besant Nagar,
Chennai 600 090.

2.M/s.Yukiko Child Care,
Santhi Beach Avenue,
141, Signaravelar Street,
Chinna Neelangarai,
Chennai 600 041.

.. Respondents

Prayer : Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of a Sole Arbitrator to adjudicate the disputes between the parties arising out of the Partnership Deed dated 17.04.2013.

For Petitioner : Ms.Ambili Menon

ORDER

The petitioner, a Limited Liability Partnership Firm, entered into a partnership deed with the first respondent dated 17.04.2013 to operate a child care business under the name and style of the second respondent.

The agreement contains an arbitration Clause as under:

"Any dispute, difference or opinion or question arising out of the partnership shall be referred to arbitrator/s which shall be appointed by mutual consent of both the parties hereto, and the decision of the arbitrators shall be final and binding on both the partners. The procedures of arbitration shall be governed by the Arbitration Act, 1940."

2.It is stated that disputes have arisen inter se the parties from this partnership and the petitioner, vide a legal notice dated 15.12.2014, invoked the arbitration Clause, but there was no reply to the notice.

3. Learned counsel for the petitioner submits that during the proceedings initiated against the petitioner under Section 9 of the Arbitration and Conciliation Act, 1996, the first respondent did not enter

appearance and in the present petition filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996, the same is the position, despite the names of the respondents being printed in the cause list. Thus, it is a case of no return.

4. In view of there being agreement to refer the disputes arising from the partnership deed to arbitration and disputes having arisen from the partnership deed, within the jurisdiction of this Court, an Arbitrator is liable to be appointed to adjudicate the disputes inter se the parties.

5. I hereby appoint **Mr. Suhrit Parthasarathy, an Advocate having Office at No.39, Law Chambers, High Court, Madras 600 104 (Mobile - 8939717592)**, who is present in Court, as Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties. The Arbitration proceedings will be conducted under the aegis of Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Madras High Court Arbitration Centre.

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

7. The order copy will be issued only after deposit of cost.

Index:yes/no
ksr

(S.K.K., CJ.)
11.11.2016

To

1. The Additional Registrar(Vigilance)
High Court, Madras.

2.The Arbitrator Appointed.

The Hon'ble The Chief Justice

(ksr)

O.P. No.508 of 2016

11.11.2016

<http://www.judis.nic.in>