

In the High Court of Judicature at Madras

Dated : 09.12.2016

Coram :

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

O.P.No.561 of 2016

S.Priyadarshan .. Petitioner

-vs-

1.Balaji Motion Pictures Ltd.,
Mumbai.

2.Popcorn Motion Pictures Ltd.,
Mumbai. .. Respondents

Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator in terms of Clause 9 of the Memorandum of Understanding dated 07.11.2011 to resolve the disputes between parties, in accordance with the Act.

For Petitioner : Mr.R.Srinivas

For Respondents : Mr.P.V.Balasubramaniam for R-1

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The second respondent has not been served as it is stated that neither batta has been filed nor acknowledgement for private service.

2.Learned counsel for the first respondent points

out that proceedings are pending in the suit where the petitioner has moved an application under Section 8 of the Arbitration and Conciliation Act, 1996. He, thus, suggests that first those proceedings have to get over on the issue whether the disputes are to be resolved through suit or in the arbitration and only if the application under Section 8 succeeds, would the occasion arise for this Court to exercise jurisdiction under Section 11 of the said Act.

3. On hearing the learned counsel for parties, agreeing with the aforesaid position, the present petition is closed with liberty to the petitioner to revive the same in case he succeeds in the petition under Section 8 of the said Act. No costs.

Sd/. (S.K.K., CJ.)
09.12.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/18.01.2017

COURT OFFICER

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