

In the High Court of Judicature at Madras

Dated : 03.06.2016

Coram :

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

O.P.No.80 of 2016

Sumathi Ramkumar ... Petitioner

-vs-

M/s.Land Mark Constructions,
through the Proprietor Mr.T.Udayakumar,
No.27, Saravana Street,
T.Nagar,
Chennai-600 017. ... Respondent

Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to settle the disputes arose between the petitioner and the respondent based on the Construction Agreement dated 12.02.2011 in respect to the "C" and "D" schedule mentioned properties.

For Petitioner : Mr.Mobarak Ahmed

For Respondent : Mr.S.Ramesh

* * * * *

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ORDER

The parties have entered into the construction agreement dated 12.02.2011 containing Clause 59 as arbitration clause, which reads as under:-

"59. If any dispute arises between the parties herein on account of breach of the terms of this agreement, such disputes shall be resolved by Arbitration under the Arbitration and Conciliation Act, 1996. The decision of the Arbitrators shall be binding on both parties."

2. It is the say of the respondent that though the arbitration clause is not disputed, the defect liability period is over and the issue beyond the contractual rights of the parties are sought to be raised in terms of the notice dated 21.04.2015, which in turn is referred to in the statutory notice dated 28.09.2015. Be that as it may, it cannot be seriously disputed that these are all issues on merits of controversy. Neither the jurisdiction of this Court is disputed nor the agreement or the existence of disputes.

3. The learned counsel for parties proposed and agreed to appoint Mrs.Chitra Sampath, Senior Counsel as the Sole Arbitrator.

4. I, thus, appoint Mrs.Chitra Sampath, Senior Counsel 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.

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

Sd/. (S.K.K.,CJ.)
03.06.2016

सत्यमेव जयते

//Certified to be a true copy//
Dated this the day of 2016.

S.s/14.07.2016

COURT OFFICER

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