

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.15 of 2016

1. Rajendran
2. R.Duraisamy

... Appellants

Versus

Dhanam's Knit Garments
represented by its Partner
R.Palanisamy
No.3/853, Sri Vigneswara Nagar 2nd Street,
Palladam Road,
Veerapandi Post,
Tiruppur District.

... Respondent

Appeals filed under Order 36 Rule 11 of Original Side Rules
r/w Clause 15 of Letters Patent, against the Order and decreetal
order dated 03.09.2015 made in A.No.381 of 2015, on the file of
this Court.

For Appellants : Mr.N.Umapathi

For Respondents : Mr.G.Ethirajulu

J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief
Justice)

Admit.

2. Learned counsel for the respondent accepts notice.

3. At request of the learned counsel for the parties, the
appeal is taken up for final disposal.

4. The appeal is directed against an order passed by the
learned single Judge on an application filed by the respondent
under Section 9 of the Arbitration and Conciliation Act, 1996.

5. On our query, we are informed by the learned counsel for the respondent that the occasion to file the application in the Court, when Arbitration proceedings are pending, arose as the learned Arbitrator viz., Justice A.S.Venkatachalamoorthy, has remained unwell for a long period of time. In fact, qua his appointment in a number of cases, alternative Arbitrators have been appointed by one of us (Chief Justice).

6. It is thus proposed and agreed as under:

(i) The Arbitrator appointed will be replaced by Mr.Yashodh Varadhan, Senior Advocate (Cell-9841075397) as the sole Arbitrator by consent of parties.

(ii) The interim order granted by the learned single Judge would only operate as an ad interim order and it is for the Arbitrator to either confirm or vacate the injunction based on the plea of the respective parties.

7. The appeal is disposed of in the aforesaid terms, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ksr

To

1.Justice A.S.Venkatachalamoorthy,
The Learned Arbitrator,
No.V - 87, 5th Avenue,
Anna Nagar, Chennai 40.

2.The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.19643
+1 cc to Mr.N.Umapathi, Advocate, sr.19415 (17.06.2016)

O.S.A.No.15 of 2016

KK(CO)
CA(12/04/2016)