

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.187 of 2017

1.S.K.Muneer
2.Mrs.Razia Begum

.. Petitioners

-VS-

1.K.Lydiamani
Proprietor of M/s. Sivams
2.M.Srikanth

.. Respondents

Prayer: Petition filed under Section 11(4) of the Arbitration & Conciliation Act, 1996 to appoint an Arbitrator to adjudicate upon the disputes between the petitioner and the respondents with regard to the resolving the dispute arise under Memorandum of Agreement dated 29.11.2013 and to direct the respondents to pay costs.

For Petitioners : No Appearance

For Respondents : Mr.Nagarajan
for Mr.S.Ramesh

ORDER

This petition has been filed seeking to appoint an Arbitrator to resolve the disputes that have arisen between the parties pursuant to Memorandum of Agreement dated 29.11.2013.

2. Heard the counsel appearing for the parties.

3. A Memorandum of Agreement, dated 29.11.2013, was entered into between the parties wherein, the dispute resolution clause is set out in clause 13, reading as under:

"In case of any dispute between the parties with regard to interpretation of any of the clauses herein above, then it will be referred to a common Arbitrator or each party will have an an Arbitrator and the Award passed by the Arbitrator or Arbitrators will be binding on the parties and the Arbitration proceedings shall be in accordance with the provisions of the Arbitration and Conciliation Act, 1996."

Neither the existence of a clause for arbitration not the disagreements between the parties is in dispute.

4. In the aforesaid circumstances, I am inclined to order the petition and appoint Mr.P.R.Gokulakrishnan, Former Judge of the Madras High Court, residing at Bakthavatsalam Nagar Extension, New No.5, Anna Avenue, Adyar, Chennai - 600 020, (Phone Nos.044-24901146 & 9840177499), as the Sole Arbitrator to enter upon reference and after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a

period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses, which shall be borne by both the parties equally. 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.

04.07.2017

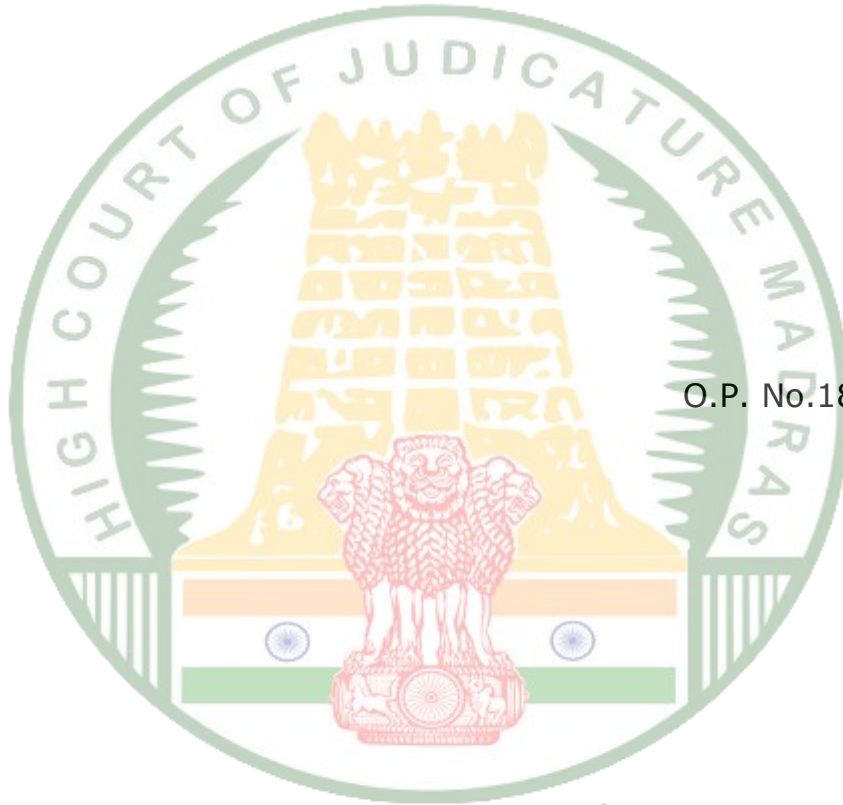
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Dr.ANITA SUMANTH, J.

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