

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.272 of 2017

Mr.Jaya Prakash Thothadri ... Petitioner

VS

1. Mr.Tayi Pratap

2. Mr.T.Harinath

3. Mr.T.H.Venkatesh

4. M/s.Envision Developers
No.11, Casa Major Road,
Egmore, Chennai – 600 008. ... Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint an Arbitrator as set out in the Partnership Deed dated 18.04.2007.

For Petitioner : Mrs.S.Geetha
for Mr.T.Chandrakala

For Respondents : Mr.J.Ravindran for R1
Mr.Ravi for M/s.Gupta & Ravi
for R2 and R3

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondents.

2.The partition deed executed as between the parties contains Clause 142 thereof in terms of which all disputes between the parties shall be referred to Arbitration in terms of the Arbitration and Conciliation Act as applicable on the date of reference.

3.A perusal of the documents filed in support of the petition would show that neither the existence of disputes between the parties nor the clause for alternate dispute resolution are in dispute. In fact this Court vide order dated 09.06.2016, while disposing of Civil Suit No.171 of 2013 between the same parties as in this petition, has granted liberty to the parties to work out their remedies in terms of the Arbitration and Conciliation Act 1996. The scope of dispute as revealed by the aforesaid order of this Court appears restricted solely to the nomination of Arbitrator.

4.Taking into account the above circumstances, I appoint, Mr.Justice K.Chandru, Retired Judge of this Court, residing at No.4-B, Kanchana, 78, St. Marys Road, Abiramapuram, Chennai-600 018 (Mobile No.9444390962), as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. The learned Arbitrator may, after issuing notice to the parties and upon hearing them, pass an award preferably within a period of six months from

the date of receipt of this order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

5.The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs.

vga

01.08.2017



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Dr.ANITA SUMANTH,J.

vga



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