

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2017

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.432 of 2017

Mrs.S.Dhivya

.. Petitioner

-vs-

1. M/s.BT & Co.,
Chartered Accountants
No.74/47, 1st Floor,
Meer Bakshid Ali Street
Royapettah, Chennai - 14.

2. Mrs.S.Thamilvani

3. Mrs.Bharti Kothari

.. Respondents

Prayer: Petition filed under Section 11(4) of the Arbitration & Conciliation Act, 1996 to appoint a Sole Arbitrator to resolve the dispute between the parties.

For Petitioner : Mr.J.Nandagopal

For Respondent : Ms.S.Thamizharasi

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ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondents arising out Deed of Partnership dated 24.12.2012, effective from 12.12.2012.

2. The Deed provides for resolution of disputes by Arbitration. The sole dispute relates to appointment of an umpire, as provided by the clause stating as follows:

During the continuance of the partnership or at any time afterwards, any dispute, differences or questions shall arise among the said parties or any of their representatives of the partners towards accounts or transactions thereon or the dissolution or winding up thereof, the construction, meaning or rights and liabilities of the parties or their representatives under the Deed, then every such dispute, difference or question shall be referred to two arbitrators one to be appointed by each party their Umpire pursuant to the Indian Arbitration Act of 1940, or any Statutory Modification thereof for the time being in force."

3. Both parties have nominated their respective nominees for arbitration, namely, Mr.N.Vannan, Advocate, by the petitioner and Mr.A.B.Fathima Sulthana by the respondents. Learned counsels agree that a retired District Judge be appointed as the Umpire.

3. Accordingly, I, thus, appoint Mr.G.V.Sankara Narayanamurthy, Retired District Judge, residing at No.42, I Street, Race View Colony, Guindy, Chennai, 32 (Mobile No.9486624811), as the Umpire to enter upon reference and adjudicate the disputes inter se the parties. He may, 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. 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.

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

09.08.2017

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Note: Issue order copy on 10.08.2017



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Dr. ANITA SUMANTH,J.

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