

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.565 of 2017

Trends in Vogue Pvt. Ltd.,
represented by its authorised
Signatory R.Ramachandra ... Petitioner

-vs-

M/s.Malar Family Spa
rep. by its Sole Proprietrix
Mrs.Malarkodi .. Respondent

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint a sole arbitrator to adjudicate the dispute that has arisen between the petitioner and respondent under the franchisee agreement dated 31.08.2012 and to pass an award in accordance with law.

For Petitioner : Mr.C.S.K.Sathish

For Respondent : No appearance

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ORDER

This petition is filed seeking an appointment of Arbitrator in terms of Section 11(6) of the Arbitration and Conciliation Act (in short 'the Act') to adjudicate upon disputes that have arisen between the parties in terms of Clause 16 of the Franchise Agreement dated

31.08.2012.

2.Mr.C.S.K.Sathish, learned counsel for the petitioner was directed to take notice on the respondent and an affidavit of service dated 09.07.2017 has been filed to the effect that notice has been delivered to the respondent on 04.08.2017. The name of the respondent is also printed in the cause list despite which none appears for the respondent either on the earlier occasions, 11.08.2017 and 18.08.2017, or today.

3.It is seen that the dispute between the parties is long standing. In fact, proceedings for arbitration were initiated for the resolution of the very same disputes earlier by the petitioner. An arbitrator was appointed and a statement of claim was filed. However, the proceedings were not carried to their logical conclusion as the Arbitrator by order dated 20.07.2016 closed the proceedings recording that the respondent in the arbitration had expressed willingness to proceed with the arbitration proceedings upon the appointment of an Arbitrator by mutual consent of parties only.

4.Thus, disputes between the parties are admitted as is the clause for dispute resolution in the agreement. Under these

circumstances, this Court is inclined to allow this petition.

5.I thus, appoint Ms.Dakshayani Reddy, Advocate, having office at No.222, Law Chambers, High Court Buildings, Chennai-600 104 (Mobile No.9840035208), as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. She may, after issuing notice to all parties to this petition and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of this order. The learned Arbitrator is at liberty to fix her remuneration and other incidental expenses, which shall be borne by both parties equally. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre in accordance with the Madras High Court Arbitration Rules.

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

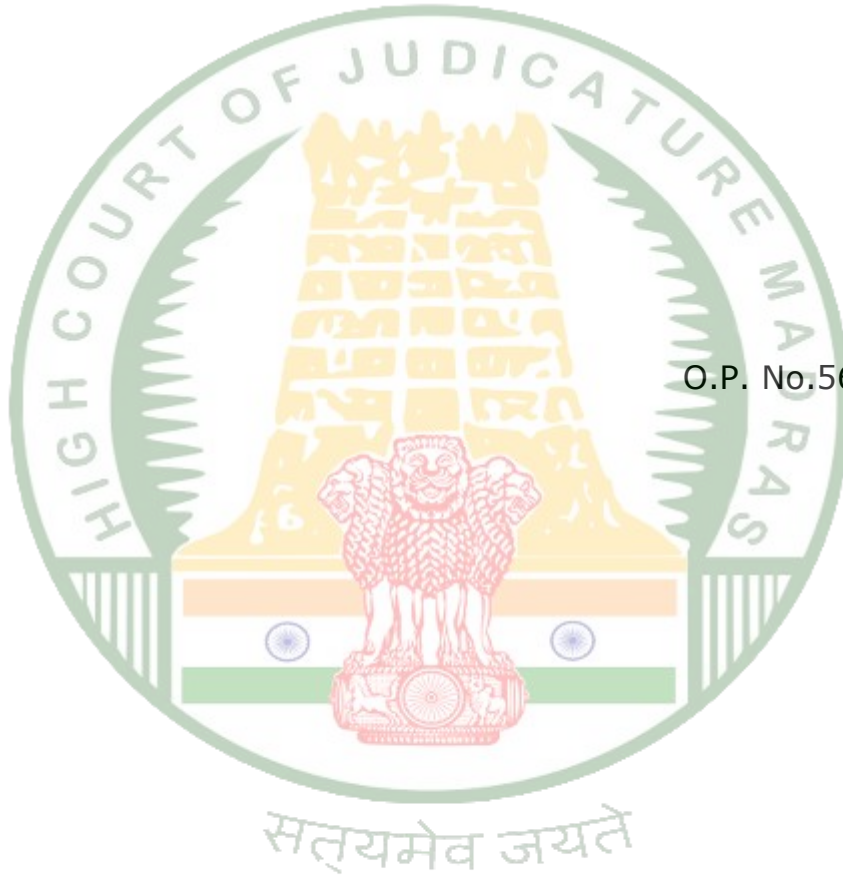
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Dr.ANITA SUMANTH,J.

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