

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.10.2017

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.671 of 2017

S.Ashok Kumar

.. Petitioner

-vs-

1. Qube Cinema Technologies Pvt. Ltd.,
(formerly known as Real Image Media
Technologies Pvt. Ltd.,)
No.42, Ranga Road, Mylapore,
Chennai – 600 004, Tamil Nadu.

2. R.Marudhachalamurthy,
Advocate, 7, Dev Apartment,
No.11 Malaviya Avenue,
Thiruvanmiyur,
Chennai – 600 041.

.. Respondents

Prayer: Petition filed under Section 14(1) & (2) read with Section 11(6)(A) & (C) of the Arbitration & Conciliation Act, 1996 read with Rule 2 of the appointment of arbitrators of Madras High Court Scheme, 1996 to terminate the mandate of the present Arbitrator, the respondent No.2 on the ground of respondent No.2 being de jure unable to perform his functions effectively and on account of failure to act without undue delay and to appoint a Sole Arbitrator to adjudicate the dispute between the parties.

For Petitioner : Mr.G.Derrick Sam

For Respondent : Mr. Gaurav Chatterjee for R1 &R2

ORDER

This petition is filed praying for the termination of the mandate of the Arbitrator appointed by the first respondent on the ground that the Arbitrator, arrayed as second respondent, has been de jure unable to perform his functions effectively and without undue delay and for the appointment of a Sole Arbitrator to adjudicate upon disputes interse parties arising out of agreement dated 30.03.2010.

2. At the outset, Mr.Chatterjee would submit that the second respondent recuses himself from the proceedings for arbitration. Thus, the first prayer sought for by the petitioner is rendered infructuous.

3. With respect to the request for appointment of Arbitrator, learned counsel for the first respondent would suggest the name of Mr.P.Rajkumar Jhabakh, Advocate, residing at No.5, 2nd Floor, 8th Street, Dr.R.K.Salai, Chennai – 600 004.

4. Mr.G.Derrick Sam, learned counsel appearing for the petitioner would consent to the appointment of Mr.P.Rajkumar Jhabakh as suggested.

5. In the light of the concurrence expressed by both learned counsel, I, appoint Mr.P.Raj Kumar Jhabakh, Advocate, residing at No.5, 2nd Floor, 8th Street, Dr.R.K.Salai, Chennai – 600 004, as the Sole Arbitrator 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 Arbitrator is at liberty to fix his remuneration and other incidental expenses. I accept the request of the learned counsel that 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.

6. The Original Petition is, disposed of, leaving the parties to bear their own costs.

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Dr.ANITA SUMANTH,J.

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