

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE M.SUNDAR

O.S.A.No.1 of 2012

G.Bhoopathi Pandian

... Appellant

Vs

1. M/s.Samarth Creations,
rep. by its Proprietor Mr.Gopi Shastri,
At No.26, 5th Cross, K.R. Road,
7th Block West, Jayanagar, Bangalore,
rep. by Power of Attorney Agent Mr.R.Selvakumar,
No.P-10, Anna Street,
Chelli Nagar Extension, Selaiyur Post,
Chennai-600 073.
2. M/s.S3 Films,
rep. by Mr.S.Jayakumar
3. S.Jayakumar
4. Meena Jayakumar

... Respondents

Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 23.11.2011 made in Application No.5781 of 2010 in C.S.No.709 of 2010 on the file of this Court.

For Appellant : Mr.N.Raja Senthoo Pandian

For Respondents : No Appearance

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The only question which arise for consideration in this appeal is whether the learned Single Judge in terms of the impugned order dated 23.11.2011 was right in opining that the following clause cannot be construed as an arbitration clause:-

"14. The disputes if any arising under this agreement between the parties hereto shall be settled through a reference made before the South Indian Film Chamber of Commerce, Chennai and in the event of the award or decision is not satisfied then the aggrieved party can redress the same before the City Civil Court, Chennai at the cost and expenses of the defaulting party."

2. We are in complete agreement with the view taken by the learned Single Judge that the aforesaid clause can by no stretch of imagination be construed as an arbitration clause, but an endeavour for conciliation and that the parties have to approach the Civil Court in case that process is not fruitful.

3. The application filed by the appellant under Section 8 of the Arbitration and Conciliation Act, 1996 has thus rightly been rejected.

4. The appeal is dismissed, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

सत्यमेव जयते

+2cc's to Mr.N.Raja Senthoo Pandian, Advocate, S.R.No.700

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KSJ(CO)
CA(18/01/2017)