

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.796 of 2016

M/s.Updater Services Private Limited,
rep. by its Assistant Vice President .. Petitioner

-vs-

Sidney Jude Alusa .. Respondent

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

For Petitioner : Ms.J.Jothi

For Respondent : No appearance

ORDER

सत्यमेव जयते

This petition seeks appointment of a Sole Arbitrator to resolve disputes between the petitioner and respondent that have arisen pursuant to a Letter of contract between the parties dated 19.03.2012.

2.Since notice issued to the respondent by order of this Court dated 04.11.2016 was returned un-served with the endorsement 'no

such person', substituted service by way of paper publication in a local daily was permitted by order dated 09.06.2017. Paper publication has been duly effected and the name of the party is printed in the cause list. Despite the same, none appears for the respondent today, when the matter was called. The letter of Contract between the parties provides for resolution by Arbitration in accordance with the provisions of the Arbitration and Conciliation Act 1996. The dispute raised by the petitioner vide Legal Notice dated 08.09.2016 has been duly received by the respondent though not favoured with a response. However, earlier communications show that the liability is admitted and the only defence putforth is difficulties in business operations.

3.In the light of the dispute resolution clause agreed to by the parties, I am of the view that this Original Petition is liable to be allowed.

4.Learned counsel for the petitioner suggests the name of Mr.N.Vanan, Advocate as the Sole Arbitrator.

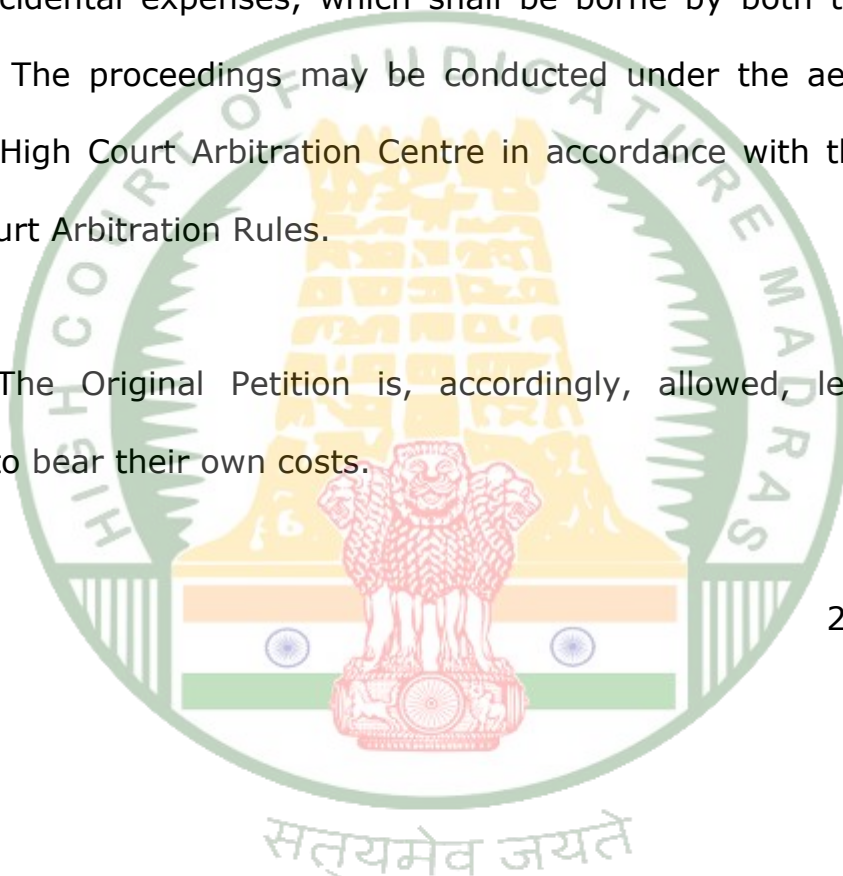
5.I, thus, appoint Mr.N.Vanan, Advocate, having his office at No.329 New Additional Law Chambers, High Court, Chennai-600 104, as the Sole Arbitrator to enter upon reference to adjudicate the

disputes inter se the parties and 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, which shall be borne by both the 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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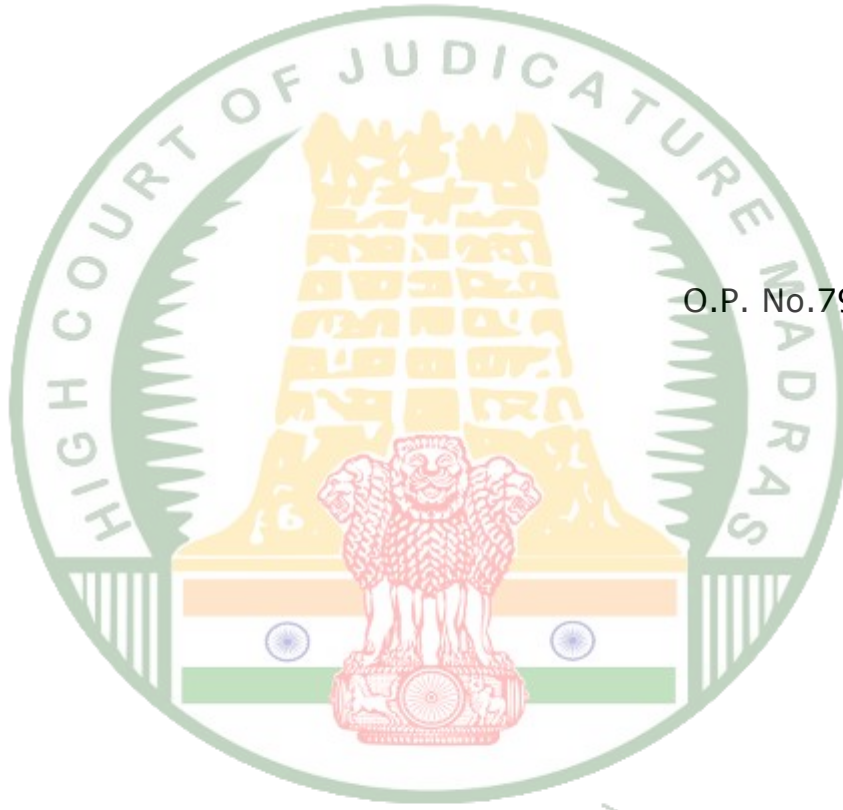
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Dr.ANITA SUMANTH,J.

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