

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.806 of 2016

1. S.Pushpa
Wife of J.Senthil Kumar

2. J.Senthil Kumar
Son of R.Janarthanam
Both residing at
Sri Sai Nivas
14, Malligai Street, Besant Nagar,
Mayiladuthurai 609001.

.. Petitioners

-VS-

1.M/s.Alliance Projects
Plot No. A, 36/1,
Gandhi Mandapam Road,
Kotturpuram, Chennai 600085.

2. M/s. Alliance Orchid Tech Park Pvt. Ltd.,
2nd Floor, 556, Jeevan Anand Building,
Anna Salai, Teynampet,
Chennai – 600 018.

..Respondent

Prayer: Petitions filed under Section 11(6) to appoint a Sole Arbitrator to resolve the disputes between the petitioner and respondent arising out of Agreement for Sale and Construction dated 14.09.2013.

For Petitioners : Mr.R.S.Raveendhren

For Respondent : Mr.G.Senthil Kumar

ORDER

This petition seek appointment of an Arbitrator to adjudicate upon disputes that have arisen inter se the parties arising out of a Sale and Construction agreement dated 14.09.2013.

2. Heard Mr.R.S.Raveendhren, learned counsel for the petitioners and Mr.G.Senthil Kumar, learned counsel for the respondent.

3. Clause 20 of the Sale Agreement dated 14.09.2013 provides for resolution of disputes by Arbitration, extracted below:

'20. In the event of breach of the terms of this Sale Agreement or in the event of any differences or disputes arising between the parties in regard to this Agreement or any matter relating thereto, the same shall be referred to and settled by Arbitration under the provisions of the Arbitration and Conciliation Act in force, at Chennai jurisdiction.'

4.Both the learned counsel agree that Mr.Justice.K.Govindarajan, retired Judge be appointed as Sole Arbitrator. The existence of the clause providing for alternate dispute resolution is also not in doubt.

5. By consent of both parties Mr Justice.K.Govindarajan, Retired Judge, High Court, Madras, residing at New No.8, Old No.5, Justice Ramanujam Road, Malaviya Avenue, Shastri Nagar, Chennai – 600 041. (Mobile No.:9444403403), is appointed as an Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. The learned Arbitrator may, after issuing notice to the parties and upon hearing them, endeavor to pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. He 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.

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

14.12.2017

msv

Dr.ANITA SUMANTH,J.

msv



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