

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 16.06.2017****CORAM****THE HONOURABLE DR. JUSTICE ANITA SUMANTH****O.P.NO.863 OF 2016**

M/s.Jeni Constructions Private Limited,
represented by its Managing Director,
T. Benjamin Rajan,
Plot No.86, Ganesh Nagar Main Road,
Selaiyur,
Chennai 600 073. Petitioner

Vs

Mrs. Santhamma Ittycheria,
W/o.P.K.Ittycheria,
Plot Nos.150-151,
Valayapathi Street,
Ganesh Nagar,
Selaiyur,
Chennai 600 073 Respondent

Original Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 praying for appointment of a sole Arbitrator to enter upon the reference and resolve the disputes arising between the petitioner and respondent under the sale agreement dated 11.5.2013 and direct the respondents to pay the cost.

For Petitioner : Mr. S. Ramesh

For Respondent : No appearance

ORDER

This original petition is filed seeking an appointment of

Arbitrator in terms of section 11 of the Arbitration and Conciliation Act 1996 to resolve the disputes arising between the parties out of sale agreement dated 11.5.2013.

2. The petitioner issued a legal notice dated 25.4.2014, to which, the respondent replied vide letter dated 2.5.2014. Thereafter the arbitration clause was invoked by letter dated 11.10.2016 to which, there has been no reply. The exchange of communication between the parties makes it evident that disputes exist inter se.

3. Heard the learned counsel appearing for the petitioner. None appears for the respondent though her name is printed in the cause list.

4. In my view, the disputes are liable to be referred to arbitration and the parties are at liberty to raise their respective claims and defences before the Arbitrator.

5. I, thus, appoint **Hon'ble Mr. Justice R.S.Ramanathan, a Retired Judge of this Court,** at Parijatham, Old No.4B 2, New No.5, Rajagopalan Street, Valmiki

Nagar, Thiruvannamiyur, Chennai-41, as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties. He shall endeavour, after issuing notice to the parties and upon hearing them, to 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 parties equally. The proceedings for Arbitration 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.

16.06.2017

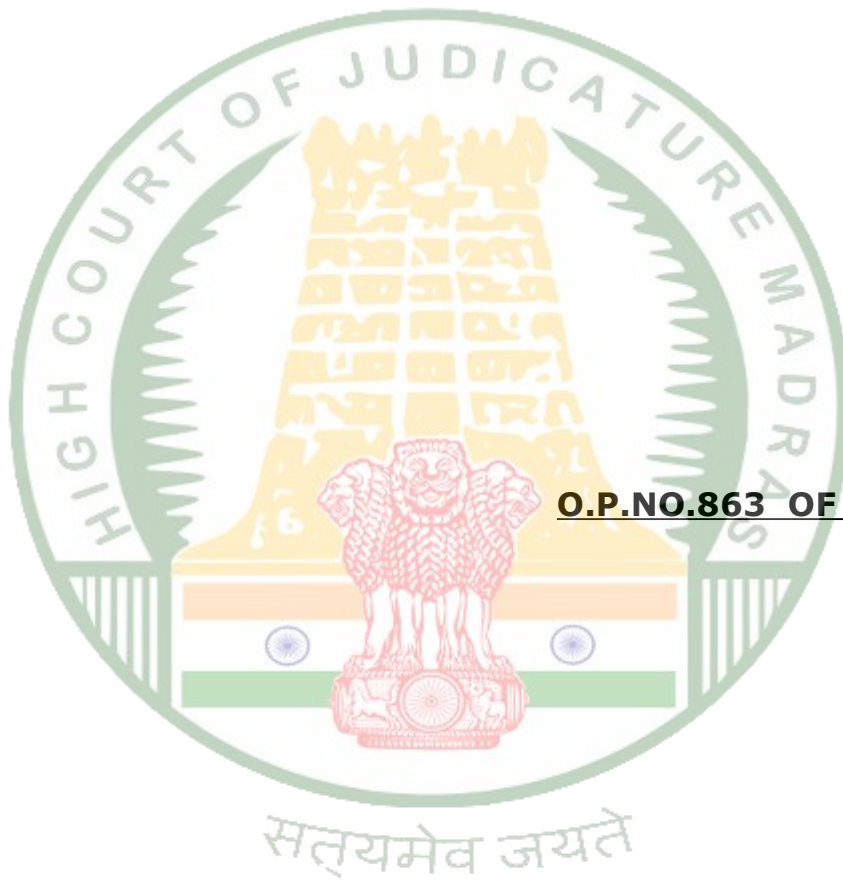
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DR.ANITA SUMANTH, J.

msr



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