

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2018

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.1031 of 2017

Dr.Poongothai Balaji ... Petitioner

vs

1.A.Anbuvaran

2.A.Ezhilvaran

... Respondents

**Prayer:** Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint a sole Arbitrator to adjudicate the dispute between the petitioner and the respondents.

For Petitioner : Mr.Vineet Subramani

For Respondents : R1-no appearance  
Mr.P.V.Balasubramanian for R2

सत्यमेव जयते

**ORDER**

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This petition seeks appointment of a Sole Arbitrator to adjudicate upon disputes that have arisen between the petitioner and respondents in accordance with Clause XVII of the Memorandum of Oral Family Arrangement.

2. Heard Mr. Vineet Subramani, learned counsel appearing for the petitioner and Mr. P.V. Balasubramanian, learned counsel appearing for the second respondent, there being no appearance for the first respondent.

3. The parties to this petition, along with other family members executed a Memorandum of Oral Family Arrangement (in short, MOFA) dated 12.01.2009 providing for the division of various properties belonging to the 1st and 2nd parties in the MOFA, being the grandmother and mother of the petitioner and respondents before me. No dispute is raised in respect of the division, apportionment or valuation of the property as regards each of the parties. The only dispute raised is as regards the identification of the specific portion of the property that would enure to each party.

4. Learned counsel for the petitioner restricts the scope of the present dispute solely to the identification and demarcation of the petitioners' share of the property at Munusamy Chetty Garden, 3<sup>rd</sup> Lane, Old Washermenpet, Chennai-21 on which a school under the name and style of Dhanalakshmi Higher Secondary School is being run and managed.

5. The first respondent has expressed his concurrence for the partition to be effected of the aforesaid property vide his letter dated 21.11.2017. Keeping in mind the limited scope of the dispute raised and upon the concurrence expressed by both parties, I appoint, Mr.Justice K.Chandru, Former Judge of this Court as the Sole Arbitrator in accordance with clause XVII of MOFA to enter upon reference and adjudicate the dispute inter se the parties. The learned Arbitrator may, after issuing notice to the parties and upon hearing them, pass an award, preferably within a period of four months from the date of receipt of this order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses.

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

सत्यमेव जयते

**30.01.2018**

vga/sl

Note: Issue order copy on 05.02.2018

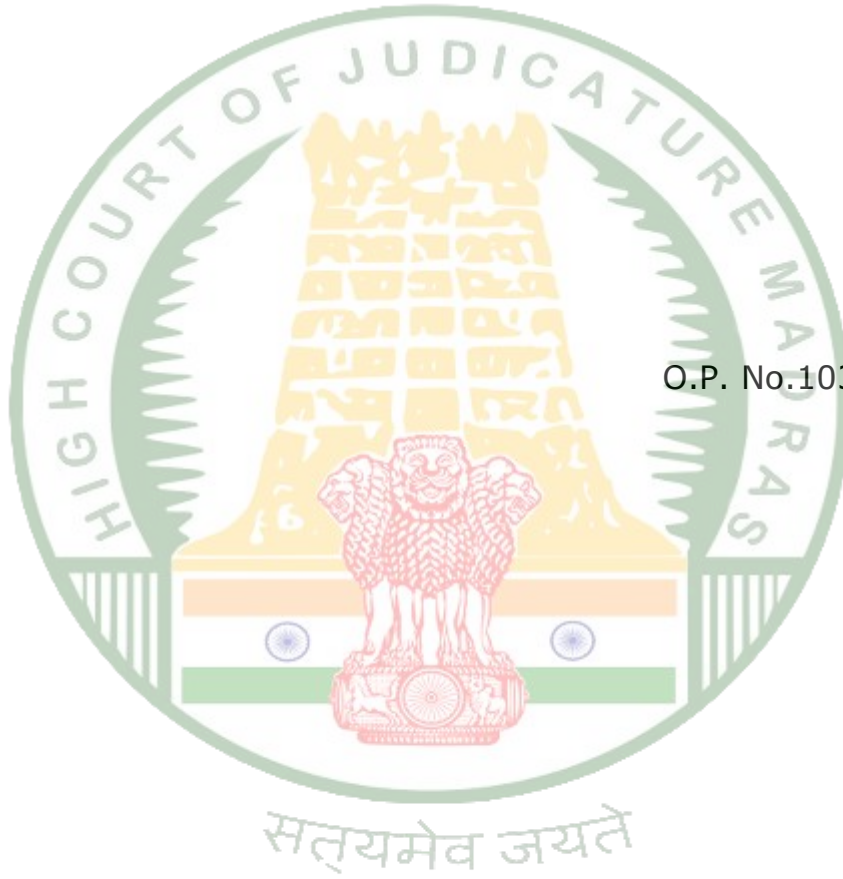
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To

Mr.Justice K.Chandru,  
Retired Judge,  
Kanchana, 78, St. Marys Road,  
Abiramapuram,  
Chennai-600 018  
(Mobile No.9444390962)

**Dr.ANITA SUMANTH,J.**

vga/sl



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