

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2018

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.594 of 2017

Monotech Systems Limited,
represented by its
Managing Director Mr.T.P.Jain
3rd Floor, City Centre,
66, Thirumalai Road,
T.Nagar, Chennai-600 017.

.. Petitioner

-vs-

1.The Oriental Insurance Co. Ltd.,
represented by Branch Manager,
No.20, APEX Chambers, 2nd Floor,
Sir Thyagaraya Road, T.Nagar,
Chennai-600 017.

2.The Oriental Insurance Co. Ltd.,
represented by Regional Manager,
Regional Office, UIL Building,
IV Floor, No.4, Esplanade,
Chennai-600 108.

3.S.Narayanan

.. Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to pass appropriate orders appointing an Arbitrator on behalf of the respondents to enable constitution of the Arbitral Tribunal to adjudicate the dispute on the quantum of loss payable on the claim of the petitioner under the policy Nos.411900/11/2015/448 & 411900/11/2015/447.

For Petitioner : Mr.R.Ashwanth

For Respondents : Mr.Venkatraman for
M/s.Nageswaran and Narchania

ORDER

This petition seeks appointment of a Sole Arbitrator to adjudicate upon the dispute raised by the petitioner relating to the settlement of its claim under policy Nos.411900/11/2015/448 & 411900/11/2015/447.

2.It is noted that no dispute is raised by the respondent on the liability under the aforesaid policies and the scope of the dispute relates solely to the quantification thereof.

3. The clause providing for alternate dispute resolution reads thus:

'13. If any dispute or difference shall arise as to the quantum to be paid under this policy (liability being otherwise admitted) such difference shall independently of all other questions be referred to the decision of a sole arbitrator to be appointed in writing by the parties to or if they cannot agree upon a single arbitrator within 30 days of any party invoking arbitration, the same shall be referred to a panel of three arbitrators, comprising of two arbitrators, one to be appointed by each of the parties to the dispute/difference and the third arbitrator to be appointed by such two arbitrators

and arbitration shall be conducted under and in accordance with the provisions of the Arbitration and Conciliation Act, 1996.'

4. I am satisfied that a clause for arbitration exists in the present case. The dispute inter se the parties is also admitted. Thus, and upon suggestion of the parties, I, appoint Mr. Justice K. Chandru, Retired Judge of this Court, as the Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. He may, after issuing notice to the parties and upon hearing them, endeavour to pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of this order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses.

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

सत्यमेव जयते

30.01.2018

vga/sl

To

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

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Dr. ANITA SUMANTH,J.

vga/sl



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O.P.No.594 of 2017**Dr. ANITA SUMANTH, J.**

The matter is taken up for hearing today under the caption 'for being mentioned.

2. Order dated 30.1.2018 to contain paragraphs 4 to 8 reading as under and to be inserted in the place of existing paragraph 4.

' 4.I am satisfied that a clause for arbitration exists in the present case. The dispute inter se the parties is also admitted.

5.The petitioner has appointed Mr.S. Narayanan, a retired official from the United India Insurance Company Limited as its nominee. Respondents 1 and 2 appoint Mr. Govinder Kapoor, Proclaim Insurance Surveyors and Loss Assessors Private Ltd, Gurgaon as their nominee.

6.Upon suggestion of the parties, I appoint, Mr. Justice K.Chandru,J, Retired Judge of this Court as the Umpire/Presiding Arbitrator.

7. The two nominees of the parties and the Presiding Arbitrator shall constitute the Arbitral Tribunal in accordance with Clause 13 of the Insurance policy.

8. The Tribunal may, after issuing notice to the parties and upon hearing them, endeavour to pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of this order. The learned Arbitral Tribunal is at liberty to fix their remuneration and other incidental expenses to

be borne by the parties equally.

Dr. ANITA SUMANTH, J.

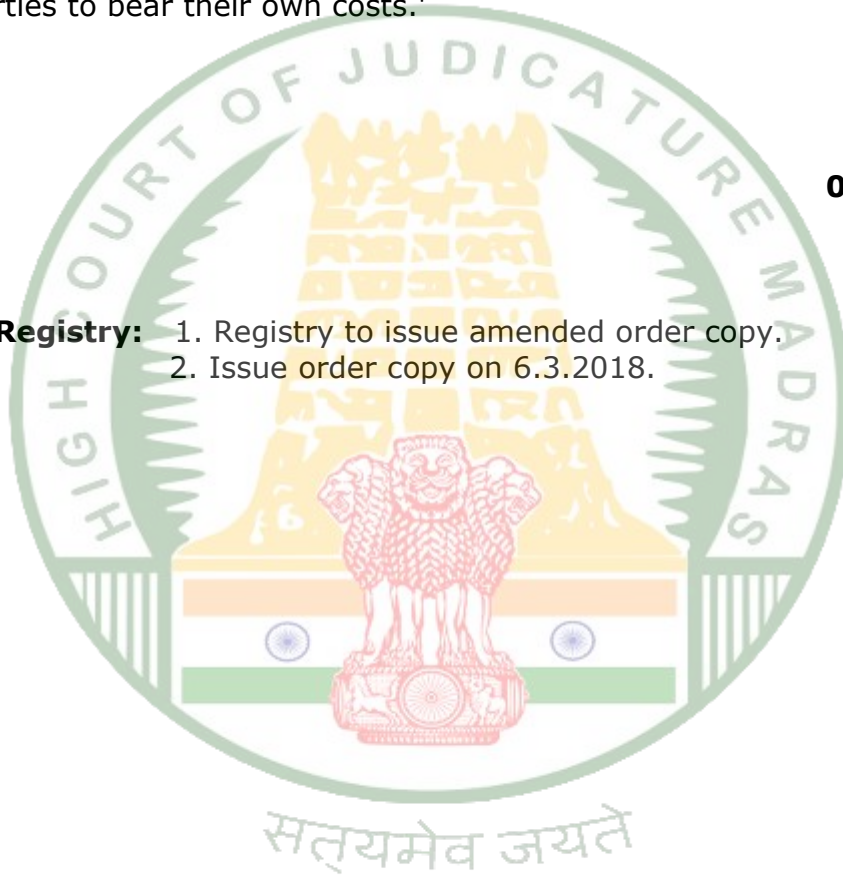
msr

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

05.03.2018

msr

Note to Registry: 1. Registry to issue amended order copy.
2. Issue order copy on 6.3.2018.



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