

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

O.P. NO.125 OF 2018

H.Devanathan

.. Petitioner

-VS-

V.Loganathan

.. Respondent

PRAYER: Petition filed under Section 11 (6) of the Arbitration & Conciliation Act, 1996, praying to appoint an Arbitrator preferably being a retired District Judge having the Arbitration seat at Chennai to resolve the Dispute arose between the petitioner and the respondent herein in respect of partnership deed dated 19/11/2012 executed themselves at Chennai.

For Petitioner : Mr.C.Shankar

ORDER

This Original Petition is filed by the petitioner to appoint an Arbitrator preferably being a retired District Judge having the Arbitration seat at Chennai to resolve the Dispute arose between the petitioner and the respondent herein in respect of partnership deed dated 19/11/2012 executed themselves at Chennai.

2. The respondent, despite the Service of notice has not appeared before this Court in person or through Counsel. His name is also printed in the cause list today. An Arbitration notice was also issued by the respondent and the same has been returned as unclaimed.

3. The Arbitration Clause in the Partnership Deed reads as follows:

"Any dispute or difference which may arise between the partners or their representative with regard to the construction, meaning and effect of this Deed or any part thereof, or respecting the accounts, profits or losses of the business, or the rights or liabilities of the partners under this deed or the dissolution or winding up of the business, or any other matter relating to the firm, shall be referred to arbitration and the decision of the sole arbitrator, if the parties to the dispute so agree, otherwise to two or more arbitrators, according to the number of the partners of the firm one to be nominated by each party or her representative and in case of differences of opinion between them, by the umpire selected by them at the commencement of the reference and this clause shall be deemed to be a submission within the meaning of

the Arbitration and Conciliation Act, 1996 including its statutory modification and re-enactment.”

4. Under such circumstances, the Original Petition for appointment of Arbitrator is entertained. Accordingly, I appoint **Mr.G.Palaniappan, District Judge (retd.), No. B3, S1-S2 V.G.N.Ferndale Apartment, Padma Street, V.G.N. Avenue, Mogappair Eri Scheme, Chennai - 600037, Mobile :9443335815**, as the Sole Arbitrator to enter upon the reference and after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration as well as schedule of expenses which shall be borne by both parties equally. 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.

4. This Original Petition is ordered accordingly. No costs.

17.12.2018

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M.GOVINDARAJ, J.

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