

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM

THE HONOURABLE MR. JUSTICE GOVINDARAJ

O.P. Nos.720 and 721 of 2018

Mr. Murali

.. Petitioner

-VS-

1. M/s. VJS Associates,
having permanent address at
29/10, Arunachalapuram Main Road,
Adayar, Chennai, Tamilnadu 600 020.
2. Mr. M.N. Vijayanathan
3. Mrs.Manni Jamuna
4. Mrs. S. Sujatha

.. Respondent

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to nominate a person as an Arbitrator to decide the disputes between the petitioner and respondent herein on such terms as deem fit and proper by this Court.

For Petitioner : M/s. Nathan and Associates

For Respondents : Mrs.Vasudha Thyagarajan,
M/s. Shobana Ramasubramaniam

COMMON ORDER

This petition seeks to appoint an arbitrator to adjudicate on the disputes between the petitioner and the respondent.

2. The petitioner in both Original Petitions entered into a Joint Venture Agreements with the respondents on 6.3.2011. Dispute arose between both the parties in performing joint venture agreements

dated 6.3.2011. It is seen that Clause 20 of the Joint Venture Agreements specifies arbitration clause.

3. The applicant issued notices on 27.6.2018 invoking arbitration proceedings nominating an Arbitrator. Even though the respondents received notice, they have not consented for appointment of any arbitrator.

4. Notice sent to respondents 1 and 2 has been returned with an endorsement 'no such person' and in respect of respondents 3 and 4, notice has been duly served.

5. No representation for the respondents 1 and 2. Mrs. Vasudha Thyagarajan, appearing for the respondents 3 and 4 who are the partners of the partnership firm submits that in connected O.P.No.451 of 2017, an Arbitrator was appointed involving a similar dispute between the same parties.

6. Considering the facts and circumstances of the case and taking note of the submission made that in OP.No.451 of 2017 involving similar dispute, Mr.K.S.Gowthaman, Advocate was appointed as an Arbitrator, this Court is inclined to appoint Mr.K.S.Gowthaman as an Arbitrator in both the original petitions to adjudicate the disputes inter se the parties.

7. I, thus, appoint Mr.K.S. Gowthaman, Advocate, residing at 'Gayathri Kripa', New no.49, Old No.224B, 4th Cross Street, Natesan Nagar, Virugambakkam, Chennai 600 092 Ph: 9094372394 as an Arbtrator in both OPs 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.

8. The original petitions are accordingly allowed. No costs.

सत्यमेव जयते

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Index:Yes/No

Internet:Yes/No

Speaking order/non-speaking order

M.GOVINDARAJ, J.

msr



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