

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 24TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

O.P. No.751 of 2018

In the matter of Section 11(6)
of the Arbitration and
Conciliation Act, 1996

and

In the matter of the Joint
Venture Agreement dated 03rd
July 2014

and

In the matter of Arbitration
Clause No.20 of the Joint
Venture Agreement dated 03rd
July 2014

1. K.Venkatesh,

2. K.Arun Kumar,

1 & 2 are at Door No.10,
Canal Street, Kilpauk Garden Colony,
Chennai-600 010.

... Petitioners

-Versus-

B.Mathivanan,
Proprietor of M/s.Jeevi Builders,
No.3/330, Ganapathy Nagar,
Thozhur Sevvapet Road,
Thiruvallur District-602 025.

... Respondent

Original petition praying that this Hon'ble Court be
pleased to appoint an Arbitrator to adjudicate upon the
disputes between the petitioner and the respondents arising
out of the Joint Venture Agreement dated 03.07.2014.

This Original Petition coming on this day before this

Court for hearing the court made the following order:-

This petition has been filed for appointment of an Arbitrator to adjudicate upon the disputes between the Petitioner and the respondents arising out of the Joint Venture Agreement dated 03.07.2014.

2. Dispute between the applicant and the respondent is arbitrable in terms of clause 20 of the Joint Development Agreement dated 03.07.2014, which reads as under:

"20. In the event of any doubt, difference or dispute in the interpretation or implementation of the agreement or the development or any matter concerning this agreement or the development, the same shall be at the first instance tried to be amicably sorted out between the parties hereto and on failure, the said dispute shall be referred to a Sole Arbitrator to be mutually agreed upon, for arbitration to be held at Chennai as per the Arbitration and Conciliation Act 1996 and the decision of such Sole Arbitrator or all matters so referred shall be final and binding upon the parties".

3. By an order dated 27.08.2018, notice was ordered on the respondent. The applicant had taken notice on the respondent and have filed their proof of service along with acknowledgment card. Pursuant to order dated 27.08.2018, the applicant had taken out private service on the respondent.

4. Despite service of notice on the respondent, none appears on his behalf.

5. In view of the same, Mr. Justice D. Murugesan, former Judge of this Court residing at Akshaya Homes "Adair", No.11-A, M.D. Sitaraman Avenue, 7th Cross Street, V.G.P. Layout, Injambakkam, Chennai - 600 115 is appointed as the Sole Arbitrator to adjudicate the disputes inter-se between the parties. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. 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.

6. Requirement of Section 11(8) of the Arbitration and Conciliation Act, 1996 is dispensed with as the appointment is made with the consent of the counsel.

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

Sd/-C.S.N.J
24/09/2018

//Certified to be a true copy//

Dated this the day of 2018

JJ 27.11.2018

COURT OFFICER