

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

ARBITRATION APPLICATION No.59 OF 2017

ORDER:

This is an application for requisite measures under Section 11(2) and (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. Notice issued to the respondent was taken by Registered Post to the respondent and it had been returned unclaimed. Since the postal article has been taken to the last known address of the respondent and since the postal article has been returned unclaimed after notice of such postal article from the postal department, due service of notice on the respondent is declared.

3. The agreement dated 29.1.2008 contains an arbitration clause. Accordingly, there are disputes between the parties. The notice issued by the applicant before institution of this arbitration application has also not been replied by the respondent. Hence, sufficient cause is shown for taking due measures under Sub-sections (2), (5) and (6) of Section 11 of the Act. This application is eligible to be allowed.

4. In the result, the Arbitration Application is allowed appointing an Arbitrator.

5. Sri Ch.K. Durga Rao, retired District Judge, is appointed as the Arbitrator to arbitrate on the disputes between the applicant and the respondents and the said arbitrator shall enter on reference and proceed with, as enjoined by the Act.

Miscellaneous applications, if any, pending in the Arbitration Application, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 30.08.2018
pnb