

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.1367 of 2014

09.04.2018

Between:

C.Suryaprakash

..Petitioner

and

A.Karunasree and another

..Respondents

Counsel for the petitioner: Mr.S.Balchand

Counsel for the respondents: Ms.G.Sudha

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Revision Petition is filed against order, dated 26.03.2014 in I.A.No.1367 of 2010 in O.S.No.390 of 2006 on the file of the Motor Vehicle Accidents Tribunal-cum-XI Additional District Judge's Court (Fast Track Court), Ranga Reddy District.

2. The respondents filed the aforementioned suit seeking specific purpose of memorandum of understanding, dated 12.12.2005. The petitioner/defendant filed the aforementioned application under Section 8 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') seeking reference of the dispute for arbitration in view of Clause 17 of the said memorandum of understanding. The Court below, however, by the order under revision, dismissed the said application by applying the doctrine of waiver. Feeling aggrieved by the said order, the unsuccessful applicant in the said application filed this Civil Revision Petition.

3. On 02.04.2018, when this case came up for hearing, Ms.G.Sudha, learned counsel for the respondents, has fairly stated that in view of change in position of law after disposal of I.A.No.1367 of 2010, her clients have no objection for reference of the dispute for arbitration and that her clients also agree upon the Arbitrator by consensus between the parties. The case was, accordingly, adjourned to enable the learned counsel for the

petitioner to consult his client on the issue of selection of the Arbitrator by the parties.

4. Today, at the hearing, Ms.G.Sudha and Mr.S.Balchand, learned counsel for the respective parties, have agreed for reference of the dispute to Sri Justice G.Bhavani Prasad, a former Judge of this Court.

5. In the light of the consensus reached between the parties, the order under revision, dated 26.03.2014, in I.A.No.1367 of 2010 in O.S.No.390 of 2006 is set aside and I.A.No.1367 of 2010 is allowed. Sri Justice G.Bhavani Prasad, the former Judge of this Court, is appointed as the Arbitrator to decide the disputes between the parties. The parties may take necessary steps for commencement of the arbitral proceedings according to law.

6. Subject to the above terms, the Civil Revision Petition is allowed.

7. As a sequel to allowing the C.R.P., C.R.P.M.P.No.1906 of 2014 filed by the petitioner for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

09th April, 2018
GHN

