

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

O.P.No.348 of 2019

P.Muthulakshmi

.. Petitioner

Vs.

P.Raju

.. Respondent

* * *

Prayer : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to resolve the disputes that have arisen between the petitioner and the respondent.

* * *

For Petitioner : Mr.B.Vishnu Chelliya

For Respondent : Mr.Salai Varun

ORDER

This Original Petition is filed seeking appointment of an Arbitrator to resolve the disputes between the petitioner and respondent with reference to the Partnership Agreement dated 01.04.2012.

2. The petitioner and the respondent entered into the partnership agreement on 01.04.2012 having equal share capital and engaged in the business of promotion of lands, villa, house and flats.

The agreement provides for arbitration, if there is any dispute between the parties. Since there were disputes in the day-to-day affairs, the petitioner herein filed O.S.No.1 of 2016 on the file of the District Munsif, Peiakulam, wherein, the respondent filed I.A.No.78 of 2016 under Section 8 of the Arbitration Act praying to refer the matter to arbitration. The said I.A. was dismissed, against which C.R.P.(MD) No.49 of 2017 was filed and this Court vide order dated 13.02.2017 allowed the petition with a direction to the District Munsif, Periyakulam to consider the matter afresh. Pursuant to the said order, the learned District Munsif, Periyakulam closed the suit with a direction to the parties to invoke the arbitration clause.

3. Thus, the petitioner requested a retired Judge of this Court to be the Arbitrator, which was opposed by the respondent. Similarly, when the respondent nominated a Senior Counsel for arbitration, the petitioner refused to accede. In such background, the parties are before this Court with the aforesaid prayer.

4. Heard the learned counsels on either side.

5. Having considered the submissions of both sides, this Court appoints Mr.S.Senthil Kumaresan, a retired Principal District Judge,

having office at No.37, "A" Block, "Lakshmi Nivas", Marshalls Road, Egmore, Chennai-600 008, (Phone No.94434 25159), as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. The learned Arbitrator may, after issuing notice to the parties and upon hearing them, 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. 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. The Original Petition is ordered accordingly, leaving the parties to bear their own costs.

12.06.2019

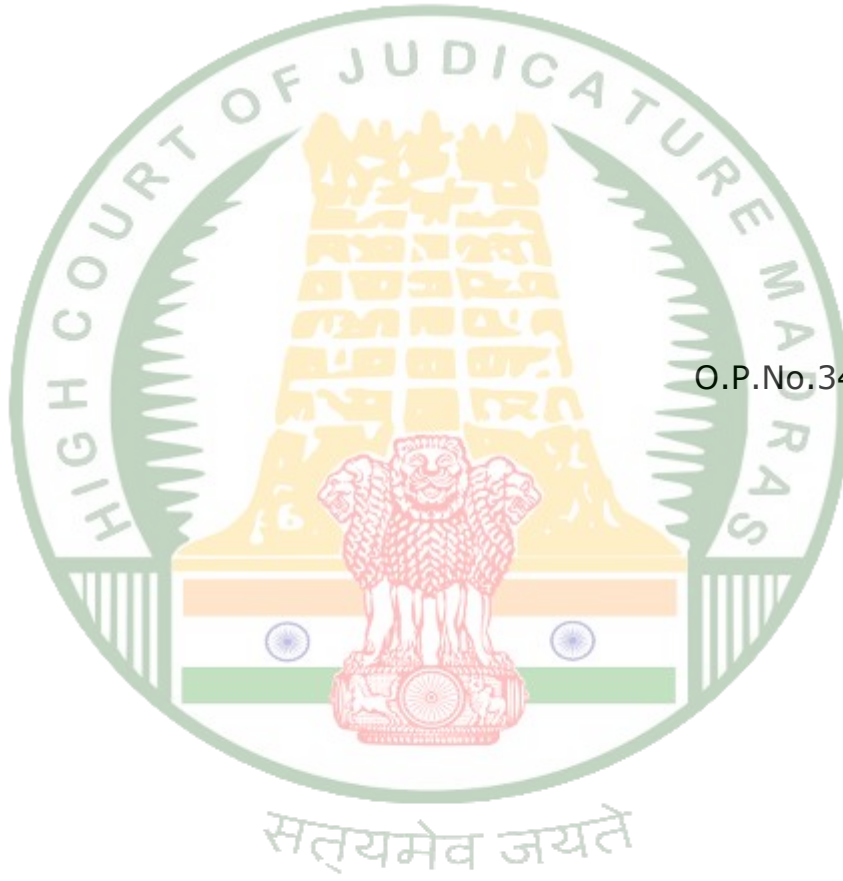
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PUSHPA SATHYANARAYANA, J.

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