

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

O.P.NO.62 OF 2018

1. Mr. Manuel Xavier Rajesh
2. Rity Goyal

.. Petitioners

-vs-

M/s.Mantri Technology Constellation Pvt.Ltd.,
No.5, Palm Gardens,
4th cross street,
East Coast Road, Akkarai,
Chennai 600 119.

.. Respondent

PRAYER: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 2015 to appoint an Arbitrator for the respondent to adjudicate the claims/disputes arising out of agreement of sale dated 5.9.2013 and Agreement of Construction dated 5.9.2013 entered between the petitioner and respondent.

For Petitioner : Mr.P.K.Panneer Selvam
for 1st petitioner
Perumbulavil Radhakrishnan
for 2nd petitioner

For Respondent : Mr.K.Venkatasubban for
M/s.Sarvabhauman Associates

ORDER

This petition seeks for appointment of an Arbitrator for the respondent to adjudicate the claims/disputes arising out of agreement of sale dated 05.09.2013 and Agreement of Construction dated 05.09.2013 entered between the petitioner and respondent.

2. Raising dispute over the agreement dated 5.9.2013, the petitioners invoked arbitration clause by letter dated 13.6.2017, but till date, no arbitrator has been appointed. Therefore, the petitioners approached this Court seeking to appoint an arbitrator to resolve the disputes that have arisen between the parties.

3. In the meanwhile, the petitioners who are husband and wife have fallen apart and wanted to contest individually. The respondent proposed an amicable settlement suiting the convenience of the petitioners.

4. Today, when the matter is taken up for hearing, learned counsel appearing for both parties would submit that the parties have arrived at an amicable settlement. Accordingly, the petitioners were given two separate properties matching the value of their respective shares. Both parties further undertake to execute necessary deeds of

conveyance and cooperate with each other in registration formalities. Both the petitioners have also filed their respective affidavits before this Court to that effect.

5. The affidavits filed by the parties were recorded and the original petition is ordered in terms of the agreement reached between the parties. The respondent undertakes to bear the costs of registration and to register the properties in favour of the applicants within two months from the date of receipt of the order. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The affidavit filed by the parties shall form part of the records.

6. Accordingly, the respondent shall register the respective properties identified by both the petitioners within a period of two months from the date of receipt of a copy of this order and that the respondent shall bear the costs. The original petition is ordered on the above terms.

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msr/tk
index :Yes/no
internet :Yes/no
Note: Issue copy on 24.7.2019

M.GOVINDARAJ, J.

msr/tk



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