

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

O.P.NO.362 OF 2017

A.NO.2955 OF 2017

1.M/s.Hanudev Inforpark Pvt. Ltd.,
Rep. by its Director R.Neelakantan
RR Towers III, TVK Industrial Estate,
Guindy, Chennai - 600 032.

2.M/s.Rithwik Infrastructure Pvt. Ltd.,
Rep. by its Authorised Signatory
Mr.R.Neelakantan
RR Towers III, TVK Industrial Estate,
Guindy, Chennai - 600 032.

3.M/s.Rithwik Infopark Pvt. Ltd.,
Rep. by its Authorised Signatory
Mr.R.Neelakantan
RR Towers III, TVK Industrial Estate,
Guindy, Chennai - 600 032.

.. Petitioners

-vs-

1.Andal Dorairaj
2.Vidhya Sharathram
3.D.Sharathram
4.V.Sivasubramanian
Retired District Judge
1/349, Pudupatti Arumbanur Post,
Madurai East,

Madurai - 625 104.

.. Respondents

PRAYER: Petition filed under Section 11 of the Arbitration & Conciliation Act, 1996 to terminate the mandate of the 4th respondent to act as Arbitrator and consequently to appoint a new arbitrator for the dispute between the parties.

For Petitioners : Mr.Vineet Subramani
For Respondents : Mr.K.S.Karthik Raja
1 to 3

ORDER

This Original Petition is filed by the petitioner seeking to terminate the mandate of the fourth respondent to act as Arbitrator and for a consequential direction to appoint a new Arbitrator for the dispute between the parties.

2. According to the petitioner, originally the fourth respondent herein was appointed as an Arbitrator and he entered appearance in April 2016 and the fourth respondent was obliged to complete the proceedings within twelve months of entering reference. As such, the proceedings ought to have been completed in March 2017 and the fourth respondent mandate stands terminated by the statute. Therefore, the petitioner has approached this Court for appointment of a

new Arbitrator.

3. On notice, Mr.K.S.Karthik Raja, learned counsel entered appearance on behalf of the respondents 1 to 3 and submitted that they have no objection for appointing a new Arbitrator.

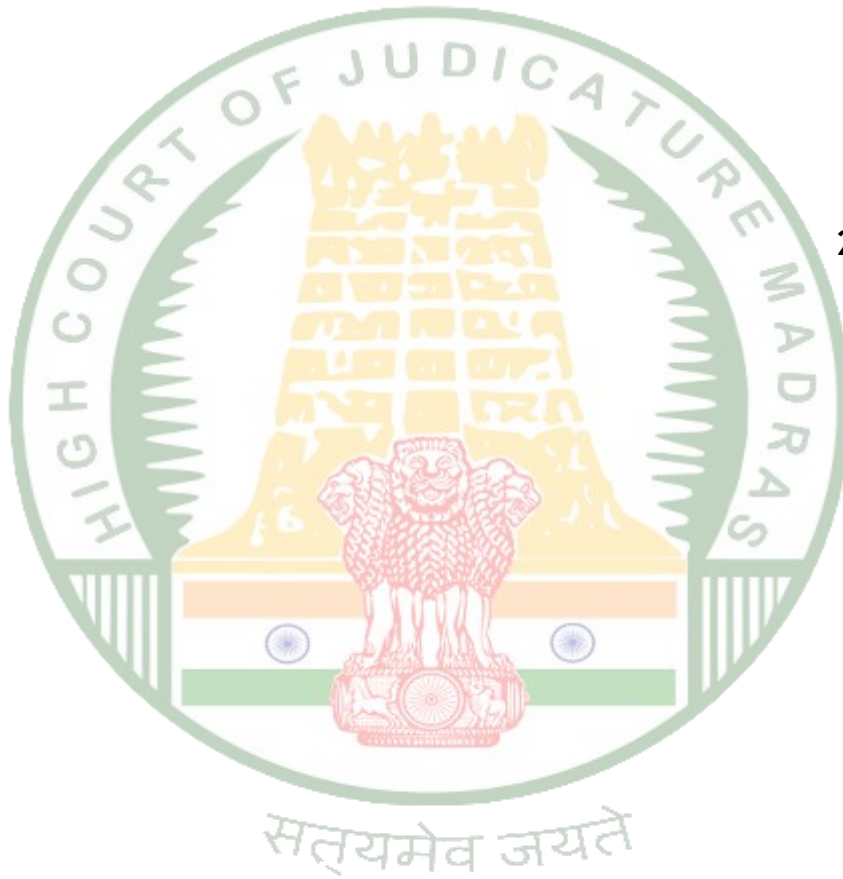
4. Both the learned counsel agreed that **Mr.S.A.Sriramulu, District Judge (Retired)** be appointed as Sole Arbitrator to adjudicate upon the disputes *inter se* the parties.

5. Thus, this Court, by consensus, appoints **Mr.S.A.Sriramulu, District Judge (Retired)**, residing at **No.2-A, 5th Cross Street, Lal Bahadur Colony, Bharathi Nagar, Peelamedu, Coimbatore - 641 004, Phone: 0422 - 2565706, Mobile No.9842263173** as the Sole Arbitrator, to enter upon reference and adjudicate the disputes *inter se* the parties. He 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. Consequently, connected application is closed.

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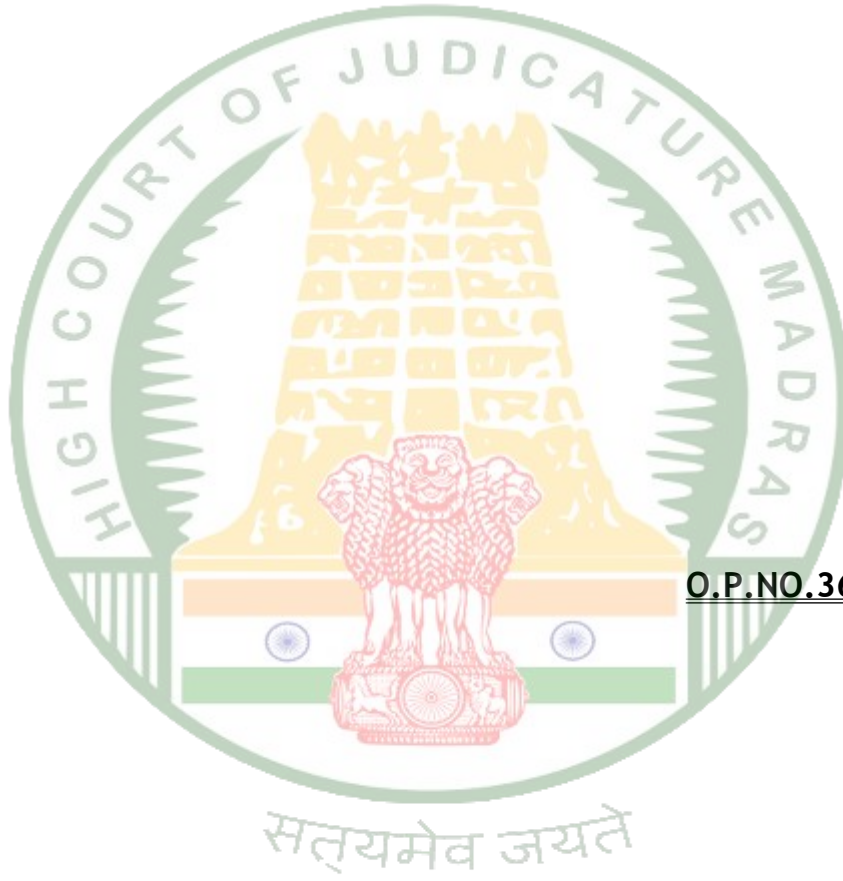


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M.GOVINDARAJ, J.

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