



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 23rd DAY OF JANUARY 2019

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

O.P. No.981 of 2018

and

O.A. No.1022 of 2018

In the matter of Arbitration
and Conciliation Act, 1996

and

In the matter of Arbitration
disputes between
Mr.L.N.Ramaswamy and another
and M/s.K.G.Foundations
Private Ltd., under
construction agreement dated
30.12.2010.

1. Mr.L.N.Ramaswamy,
S/o.N.Lakshminarayanan,

2. Mrs.R.Abirami,
W/o.Mr.L.N.Ramasamy,
both residing at No.13B,
Balu Nagar, Mugappair East,
Chennai-600 006.

... Petitioners/Applicants

-Versus-

K.G.Foundations Private Ltd.,
rep. by its Managing Director,
No.5, Marble Arch,
Bishop Waller Avenue (East),
Mylapore, Chennai-600 005.

... Respondent/Respondent

O.P. No.981 of 2018:-

Original Petition praying that this Hon'ble Court be
pleased to:-

a) pass an order to appoint an Arbitrator to adjudicate
on the disputes relating to the agreement dated 30.12.2010
in relation to the construction and handing over of the
dwelling unit No.C 1012 entered between the petitioners and
the respondent;



b) direct the respondent to pay the cost of this petition.

O.A. No.1022 of 2018:-

Original Application praying that this Hon'ble Court be pleased to pass an order restraining the respondent or their men or agents or servants or any one claiming through them or on their behalf in any manner alienating, encumbering or creating any charge or mortgage or dealing in any manner or any nature in respect of the Dwelling Unit No.C 1012 with car park morefully described in the schedule described hereunder.

This Original Petition along with the original application coming on this day before this Court for hearing in the presence of Mr.K.R.Ramesh Kumar, advocate for the petitioners in O.P. No.981 of 2018 and for the applicants in O.A. No.1022 of 2018 and the respondent herein not appearing in person or by advocate and upon reading the order herein dated 03.01.2019, it is ordered as follows:-

That Mr.V.Venkatachalam, Advocate, No.37, Law Chambers, High Court Buildings, Chennai-600 104, Mobile: 9445277607 be and is hereby appointed as an Arbitrator to enter upon the reference.

2. That the learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, within a period of six months from the date of receipt of copy of this order.

3. That the learned Arbitrator appointed herein, shall be at liberty to fix his remuneration as well as schedule of expenses and the same shall be borne by both parties equally.

4. That the Proceedings shall be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.



5. That the order of interim injunction granted in pursuance of the order dated 15.11.2018 made in O.A. No.1022 of 2018 restraining the respondent therein from letting out or dealing in any manner or alienating or encumbering the property more fully set out in the schedule thereunder shall continue until further orders to be passed by the Arbitrator.

6. That both parties hereto shall bear their own costs.

7. That the O.A. No.1022 of 2018 do stand closed.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH
TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 23rd DAY OF JANUARY 2019.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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O.P. No.981 of 2018
and
O.A. No.1022 of 2018

ORDER

DATED: 23.01.2019

THE HON'BLE MR. JUSTICE
M.GOVINDARAJ

FOR APPROVAL:19/02/2019

APPROVED ON :19/02/2019

Copy to:

1. Mr.V.Venkatachalam,
Advocate,
Sole Arbitrator,
No.37, Law Chambers,
High Court Buildings,
Chennai-600 104.

(Mobile No.: 9445277607)

- 2.The Additional Registrar-
Vigilance
Madras High Court Arbitration
Centre
Madras High Court Campus,
Chennai