

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.A.No.21 of 2020

1.Salem District Volleyball Association  
represented by its President  
Mr.S.P.S. Anandhan,  
No.637, State Bank Colony,  
Salem – 636 004.

2.S.P.S.Anandhan,  
President,  
Salem District Volleyball Association,  
No.637, State Bank Colony,  
Salem – 636 004. ... Applicants

-Vs.-

1.Tamil Nadu State Volleyball Association  
Affiliated to Volleyball Federation of India  
represented by its Secretary,  
Room No.46/101, Gengu Street,  
Chennai-600 008.

2.Mr.M.Shanmugavel ... Respondents

**Prayer:** Application filed under Order XIV Rule 8 of the Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to grant an order of injunction restraining the 1<sup>st</sup> respondent from in any manner dealing with any person or association other than the 1<sup>st</sup> applicant

Association represented by the 2<sup>nd</sup> applicant in respect of the Salem District pending disposal of the arbitration proceedings.

For petitioner : Mr.V.Chandraprabu

For Respondents : Mr.S.Thanka Sivan for R1

Mr.S.Ilamvaludhi for R2

**ORDER**

Since the disputes arose between the parties as to who are the 1<sup>st</sup> applicant Association and considering the fact that the By-laws contemplated arbitration, this applicants have moved under Section 9 of the Arbitration and Conciliation Act.

2.Pending this proceedings, the parties have agreed to refer the disputes the subject matter of this Original Application to the mutually agreed Arbitrator Mr.M.Sriram, Advocate, Madras Bar Association, High Court of Judicature at Madras, Chennai – 600 104 as the sole Arbitrator. The parties have reduced their Agreement into writing in the form of Joint Memo and the Joint Memo has also been taken on file.

3.Considering the above, this Original Application is disposed of in the lines of the Joint Memo. The terms of which are reproduced hereinbelow:

*“The applicants and the respondents agree to refer for adjudication all disputes and differences arising out of the subject matter of O.A.No.21 of 2020 to Mr.M.Sriram, Advocate, Madras Bar Association, High Court of Judicature at Madras, Chennai-600 104, as the sole Arbitrator.*

*2.The applicants and the respondents agree that O.A.No.21 of 2020 be treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 and as such be decided by the sole Arbitrator Mr.M.Sriram and the interim orders already granted by the Hon'ble Court will continue till then.*

*3.The applicants and respondents agree that they have no objection to th constitution of the Tribunal comprising of the sole Arbitrator Mr.M.Sriram and he shall be free to determine his Schedule, procedure and fees.*

*4.The applicants and respondents agree that the Venue and Seat of Arbitration shall be Chennai and the language of Arbitration shall be English.”*

4.Accordingly, it is ordered as follows:

i)Mr.M.Sriram, Advocate, Madras Bar Association, High Court of Judicature at Madras, Chennai-600 104, is appointed as Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) he 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii)The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

iv) 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.

Accordingly, this Original Application is ordered leaving the parties to bear their own costs. Interim order already granted shall continue till the Arbitrator takes over.

**20.11.2020**

Internet : Yes/No  
Index : Yes/No  
Speaking / Non-Speaking  
mps



WEB COPY

**P.T. ASHA, J.**

mps



**O.A.No.21 of 2020**

WEB COPY

20.11.2020