

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.03.2020

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Original Petition No.113 of 2020

M/s. Sri Sreenivasa Constructions
Represented by its Authorised Signatory
Mr.Vishnu Shashankar,
DSR Tranquil, Plot No.901,
201, Ayappa Society Main Road,
Madhapur, Hyderabad-500081.

Petitioner

versus

1. Mr.C. Daniel
2. Mrs. Sulochana Daniel
3.Mrs. GladysRosette C. Daniel

Respondents

PRAYER: Original Petition has been filed under Section 11(6) of Arbitration and Conciliation Act, 1996, to appoint a sole Arbitrator and decide the dispute that have been arisen between the Petitioner and the Respondents under the Joint Development Agreement dated 30.05.2011 containing Arbitration Clause.

For Petitioner : Mr.V. Kuberan for
M/s. Rank Associates

For Respondents : Mr.P. Thangamani

ORDER

This Original Petition has been filed to appoint a sole Arbitrator and decide the dispute that have been arisen between the Petitioner and the Respondents under the Joint Development Agreement dated 30.05.2011 containing Arbitration Clause.

2. It is not disputed by both sides that a Joint Development Agreement had entered between them. Clause 56 of the Agreement also provides for appointment of Arbitrator in the event of any dispute arose between the parties. It is also not disputed that the Petitioner has already expressed his intention to appoint Arbitrator and named one of the Senior Counsels as Sole Arbitrator, whereas the Respondent is not agreeing for the Senior Counsel nominated by the Petitioner. Therefor, the learned counsel for the Respondent submitted that this Court can appoint a sole Arbitrator.

3. In such a view of the matter, this Court appoints Mr.J. Krishnamurthy, District Judge (retired) having residence at No.2D. Netch

Krishna, I Floor, 37, Soundararajan Street, T.Nagar, Chennai 600017.
(Phone: 9442092363), Chennai – 600 040 will take over the charge as as the
Sole Arbitrator to enter upon the reference and 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 the remuneration and other
incidental expenses, which shall be borne by the parties equally.

4. The original petition is accordingly allowed, leaving the parties to
bear their own costs.

04.03.2020

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

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