

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

O.P.No.585 of 2015

M/s.Singham Cinnema,
Rep by V.C.Vadivudaiyan,
Producer and Director Singham Cinnema,
4a, Jayaillam,
Thillaiyadi Valliyammal Street,
Saligramam,
Chennai 600 093

.. Petitioner

-Vs.-

1. M.Gagan Bothra
2. T.Dhanasekaran

...Respondents

Original Petition under Section 34 of the Arbitration and Conciliation Act, 1996 praying to call for the award in Arbitration No.1 of 2014 dated 12.02.2015 from the second respondent and set aside the final award dated 12.02.2015 with exemplary costs.

For petitioner

... Mr.P.K.Harinath Babu

For Respondent-1

... Mr.M.Gagan Bothra-
Party-in-Person

For Respondent-2

... Arbitrator.

ORDER

The claim petition has been filed by the first respondent for declaration that he is the owner of the Tamil movie "Kanniyum Kalayum Sema Kadhal", as per the agreement dated 18.04.2014 with attendant reliefs.

2. An award was passed by the sole Arbitrator on 12.02.2015 and the same has been challenged by the respondent herein. This Court is not traversing into the facts, which have culminated in the filing of the claim, in view of the fact that a preliminary objection has been taken. The respondent therein, who is the petitioner herein, had stated that they have not been served with copies of notices and the claim statement.

3. This Court had directed the Arbitrator to produce the records as well as the acknowledgment cards / proof of delivery in respect of the notices that had been sent to the respondents, vide order dated 27.01.2020. Today, the documents have been produced before this Court and the same does not indicate the service on the

respondent herein.

4. In these circumstances, considering the fact that the challenge is one under Section 34(2)(iii) of the Arbitration and Conciliation Act, this Court is inclined to set aside the award and the award dated 12.02.2015 is set aside. Accordingly, the Original Petition is allowed. The parties have agreed to appoint Hon'ble Mr.Justice K.N.Basha, a retired Judge of this Court as the Sole Arbitrator to consider the claim. Accordingly, Mr.Justice K.N.Basha, a retired Judge of this Court, residing at Flat No.F-1. "STAR", No.25/1, Dr.Ambedkar Road, (Old ICF Link Road), North Thirumalai Nagar, Villivakkam, Chennai 600 049 is appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter-se the parties. The learned Arbitrator shall commence the proceedings within a period of two weeks from the date of receipt of a copy of this order and conclude the proceedings within a period of two months thereafter. No costs.

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Internet: Yes/No
Index:Yes/No
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