

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.9.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.P.No.351 of 2020

Y.Syed Chanth Basha

... Petitioner

Vs.

1. M/s.Gaslinks

Rep. by its Partner Mrs.Afroz Sheriff,
240/3, Poonamallee High Road,
Aminjikarai, Chennai 600 029.

2. Mrs.Arof Sheriff

3. G.M.Syed Nurullah Sheriff
(sleeping partner)

... Respondents

Prayer: Petition filed under Section 11 (4) and (6) of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator to adjudicate the dispute arising between the petitioner and the respondent pursuant to the partnership deed, dated 11.4.2001.

For Petitioner : Mr.S.Vijayakumar
For Respondents : Mr.G.Rajagopalan
Senior Counsel for
M/s.G.R.Associates

ORDER

The petition has been filed for appointment of Arbitrator to enter upon the dispute between the parties, arising out of the partnership deed, dated 11.4.2001.

2. The petitioner and the third respondent entered into a partnership business, applied for LPG Distribution in the open category and secured allotment of Indane distributorship by the Indian Oil Corporation Ltd. vide letter of intent, dated 20.09.1984. Pursuant to the letter of intent, a partnership deed, dated 11.4.2001 was made between the petitioner and the third respondent. Now, the dispute arose between the petitioner and the respondents, the present petition has been filed for appointment of Arbitrator to resolve the dispute arose between the parties.

3. The application has been filed in pursuant to the dispute arose between the parties. The parties are governed by the partnership deed, dated 11.4.2001. Partnership deed contains Clause 21 for reference to arbitration which reads as follows:

"In the event of any disputes between the

partners, with regard to anything, relating to the partnership business, the matter shall be referred to arbitrators duly appointed in accordance with the Arbitration Act in force at that time.

4. In view of the above, **Thiru Justice P.Jyothimani**, No.21, Kgeyes Eternity Flat, Parvathy Street, Kalashetra Colony, Besant Nagar, Chennai 600 090 is appointed as Arbitrator to enter upon the reference. The learned counsel for the petitioner and the learned counsel for the respondents have no objection for the same.

5. Accordingly, it is ordered as follows:

i) That **Thiru Justice P.Jyothimani**, No.21, Kgeyes Eternity Flat, Parvathy Street, Kalashetra Colony, Besant Nagar, Chennai 600 090 be and hereby appointed as Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties.

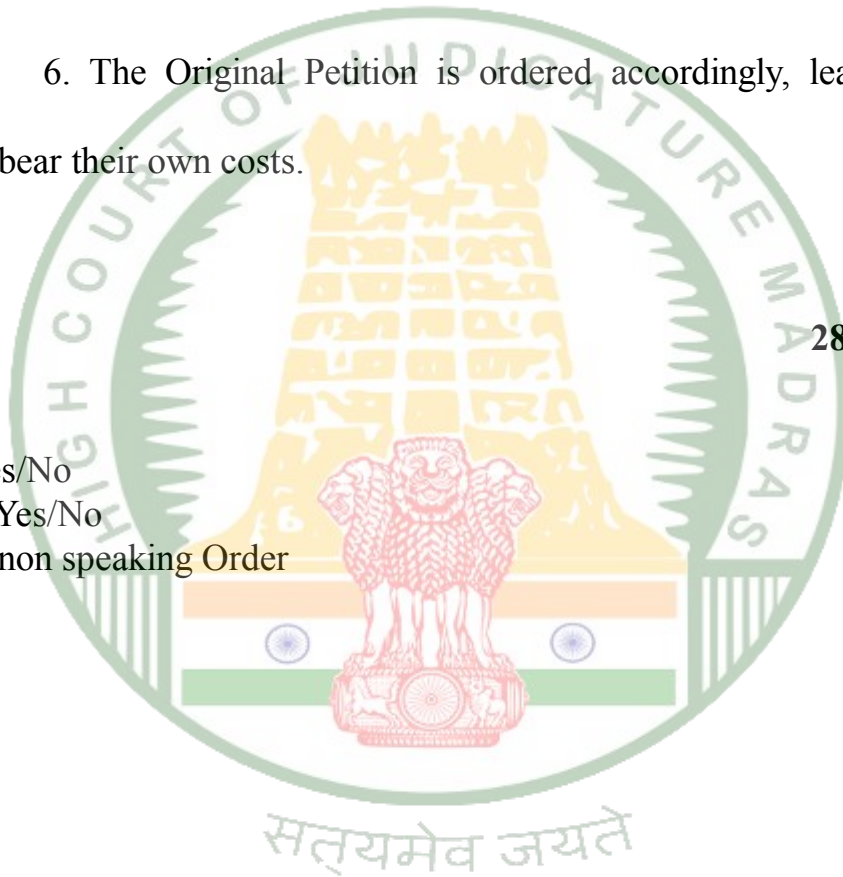
ii) That the learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order.

iii) That the learned Arbitrator appointed herein shall be at liberty to fix his remuneration and other incidental expenses, which shall be borne by the parties equally.

6. The Original Petition is ordered accordingly, leaving the parties to bear their own costs.

28.09.2020

Index: Yes/No
Internet: Yes/No
Speaking/non speaking Order
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N. SATHISHKUMAR, J.

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