

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.458 of 2020

1.R.Vignesh

2.G.Aishwarya

...Petitioners

-V-

M/s.Prem Estates,

Proprietorship Firm rep. by its sole Proprietor,

Mr.Vinay Lodha

having office at Managappan Street,

Sowcarpet,

Chennai – 600 079.

...Respondent

Prayer: Original Petition filed under Section 11(6) read with Section 15 of the Arbitration and Conciliation Act, 1996 as amended praying to appoint another sole Arbitrator in the place of Mr.S.R.Sundar, Advocate to decide the dispute between the parties in accordance with Clause 34 of the Construction Agreement dated 30.03.2017 entered into between the petitioners and the respondent.

For petitioner : Mr.David Tyagaraj

For Respondents : Ms.Abitha Banu

ORDER

This application has been filed for appointing an Arbitrator to decide the disputes between the parties in accordance with Clause 34 of the Construction Agreement dated 30.03.2017 entered into between the petitioners and the respondent.

2.From the records, it is seen that the petitioners and the respondent had entered into a Construction Agreement dated 30.03.2017 which has been registered as Document No.2753/2017. Under the terms of the Contract, the petitioners were required to put up a construction of a flat in the ground floor of the building called “Prem's Opulent” at Okkiam Thoraipakkam Village, Shollinganallur Taluk, Kanchipuram District. The disputes arose between the parties in respect of the same. It appears that earlier O.P.No.550 of 2019 was filed by the petitioners for appointing an Arbitrator and this Court by order dated 18.11.2019 had appointed Mr.S.R.Sundar, Advocate as Arbitrator. However, the Court has appointed the sole Arbitrator Mr.S.R. Sundar, recusing himself by a memo dated 02.01.2020 filed before this Court stating that he is well acquainted

with the family of the respondent.

3.In the meanwhile, the respondent had also filed interim applications under Section 9 for various reliefs. The petitioners would contend that considering the fact that there is a dispute existing between the parties and the parties have agreed to resolve the same through Arbitrator, earlier the Court appointed Mr.S.R.Sundar, recusing himself by a memo, there is a necessity to appoint a fresh Arbitrator.

4.The respondent has not seriously contested the said petition.

5.Accordingly, it is ordered as follows:

i) The Honourable Mr.Justice A.Ramamurthi, (Retd.), Former Judge, Madras High Court, residing at Plot No.9 (HIG) TNHB, Phase-II, Nolambur, Mogappair West, Chennai – 600 037, (M) – 9444066306, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) The 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.

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

30.11.2020

Internet : Yes/No

Index : Yes/No

Speaking / Non-Speaking
mps

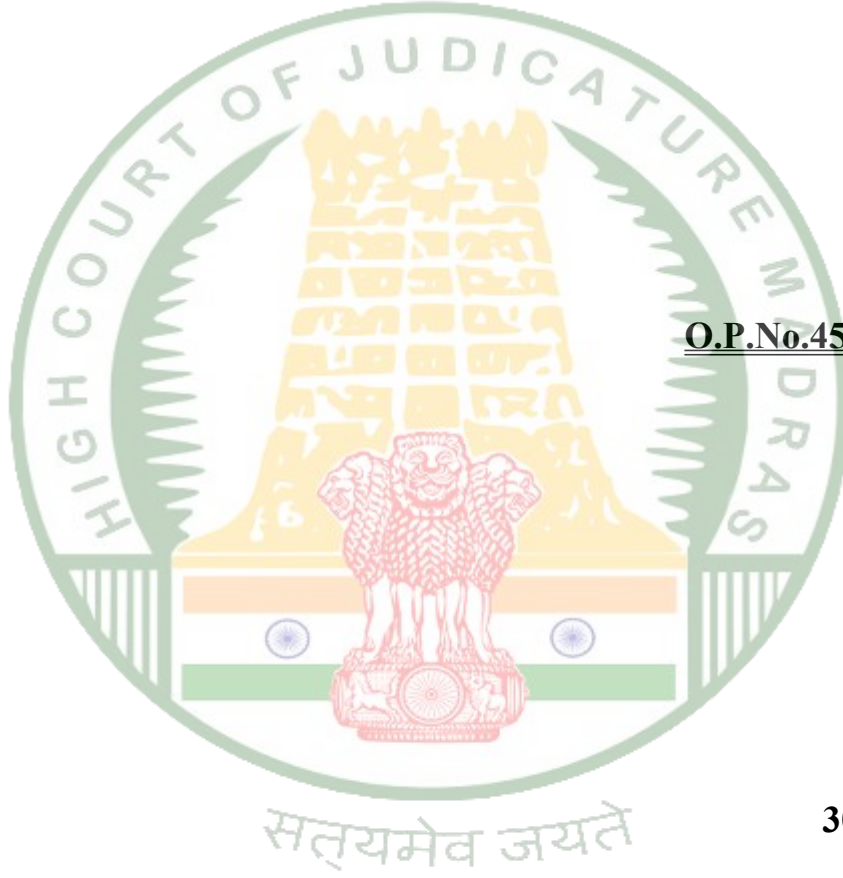
सत्यमेव जयते

WEB COPY

O.P.No.458 of 2020

P.T. ASHA. J.

mps



O.P.No.458 of 2020

30.11.2020

(1/3)

WEB COPY