

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE P.T.ASHA

Original Petition No.455 of 2020

P.Murali	...	Petitioner
	<i>versus</i>	
Mr.A.K.Sasikumar	...	Respondent

Prayer: Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate the disputes between that have arisen between the petitioner and the respondent in respect of the Partnership business of "Phoenix Motors" constituted under the Partnership Deed dated 03.08.2018.

For Petitioner : Mr.N.Ramakrishnan

For Respondent : Mr.T.M.Naidu

ORDER

The above petition has been filed for appointing a sole Arbitrator in keeping with clause 11(6) of the agreement dated 03.08.2018, which provided for the resolution of disputes between the petitioner and the respondent by reference to an arbitration consisting of a sole Arbitrator.

2. The learned counsel for the petitioner would submit that though the clause gave the authority to the respondent to appoint the Arbitrator they had not done so, thereby constraining the petitioner to move this petition.

3. Though the Arbitration Clause contemplates the Arbitral Tribunal consisting of three arbitrators, both parties consented to have the matter referred to the sole Arbitrator. The petitioner has requested the Court to appoint a retired Judge of this Court. Accordingly, **Mr.Justice.P.KALAIARASAN, (Retired Judge)**, consented to be the Sole Arbitrator. After hearing the arguments, this Court had suggested the name *of Mr.Justice.P.KALAIARASAN, (Retired), Former Judge, Madras High Court, No.40(NB), Greenways Road, Chennai - 600 028, Cell No.9942421667*, which was consented by both parties.

4. Accordingly, it is ordered as follows:

i) *Mr.Justice.P.KALAIARASAN, (Retired), Former Judge, Madras High Court, No.40(NB), Greenways Road, Chennai - 600 028,*

Cell No.9942421667, 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.

P.T.ASHA, J.

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

18.12.2020

Speaking Order / Non-speaking Order
Index : Yes / No
Internet : Yes
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To
Justice.P.KALAIARASAN, (Retired),
Former Judge,
Madras High Court, No.40(NB),
Greenways Road,
Chennai - 600 028,
Cell No.9942421667.

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