

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATISHKUMAR

O.P.No.754 of 2019

1. Mr.Suryanarayanan
2. Mrs.Abhaya Jayaraaman .. Petitioners

Vs.

1. Mr.C.Durairaj
2. Mrs.Chitra
3. Mrs.D.Jayalakshmi
4. Mr.C.D.Senguttuvan .. Respondents

* * *

Prayer : Petition filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to resolve the disputes that had arisen between the petitioners and the respondents pursuant to the Memorandum of Understanding dated 19.02.2017.

* * *

For Petitioners : Mr.G.Rajkumar

For Respondents : No appearance

ORDER

The petitioner has filed this Original Petition seeking appointment of a Sole Arbitrator to resolve the disputes that had arisen between the petitioners and the respondents pursuant to the Memorandum of Understanding dated 19.02.2017.

2. Despite notice served on the respondents and their name printed in the cause list, none appeared for the respondents.

3. Heard the learned counsel for the applicant and the Memorandum of Understanding executed by the parties.

4. A perusal of the Memorandum of Understanding executed between the parties, it is seen that clause 21 of the Memorandum of Understanding makes it clear that the parties are subject to arbitration and the agreement is binding on the parties to refer the dispute.

5. Considering the submissions of the learned counsel for the applicant and the Memorandum of Understanding executed between the

parties, Justice Mr.M.Vijayaraghavan, Judge (retired), New No.2, Old No.15, T.V.Naidu Road, Flat No.2B, Abirami Foliage, Chetpet, Chennai – 31 [Mobile : 9003268968] is appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. 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. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings shall be conducted preferably in the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules. The appointment of the Arbitrator will be subject to the disclosure and declaration made, as per the Sixth Schedule to the Arbitration and Conciliation Act, 1996 coupled with the amendments made therein.

6. The Original Petition is ordered accordingly. The parties shall bear their own costs.

17.03.2020

vrc

Index : Yes / No

Internet : Yes

Speaking Order/Non-Speaking Order

Note : The registry is directed to communicate a copy

of this Order to :

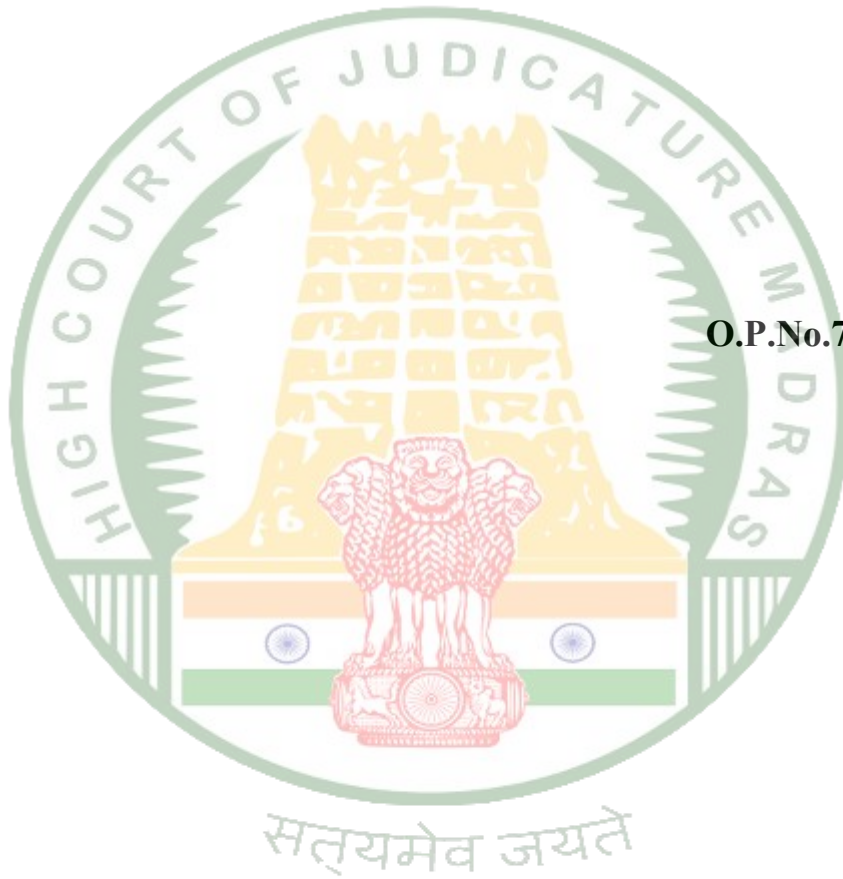
Justice Mr.M.Vijayaraghavan,
Judge (retired),
New No.2, Old No.15,
T.V.Naidu Road,
Flat No.2B, Abirami Foliage,
Chetpet, Chennai – 31



WEB COPY

N.SATHISH KUMAR, J.

VRC



O.P.No.754 of 2019

WEB COPY

17.03.2020