

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.8.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

O.A.No.1084 of 2019

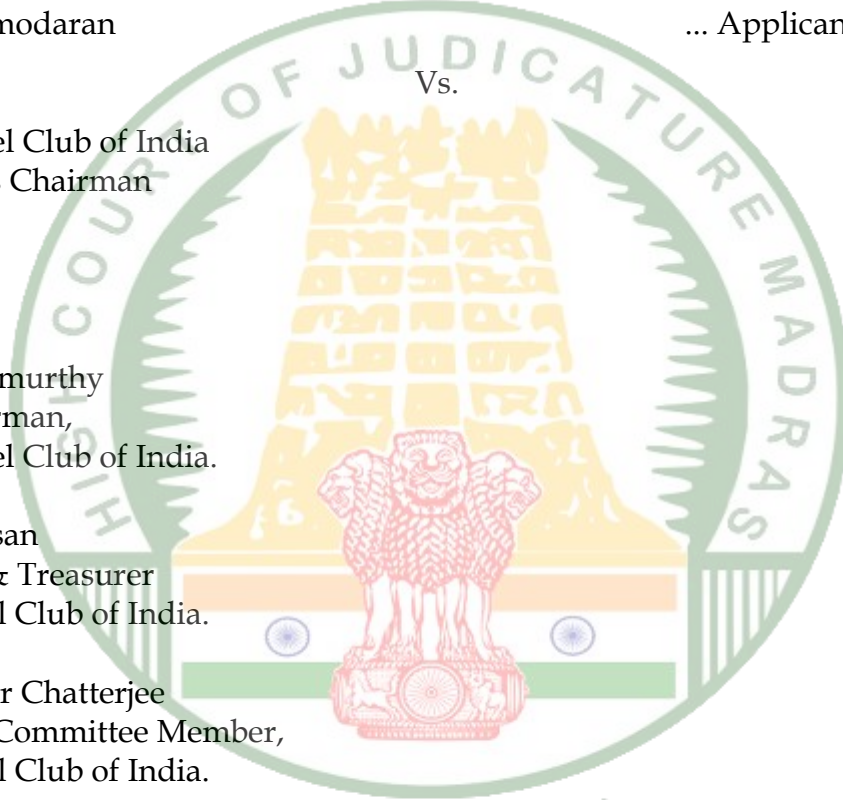
Vikram Dhamodaran

... Applicant

Vs.

1. The Kennel Club of India
Rep. by its Chairman
- 2 S.Pathy
Chairman
3. D.Krishnamurthy
Vice Chairman,
The Kennel Club of India.
4. C.V.Sudarsan
Secretary & Treasurer
The Kennel Club of India.
5. Sib Shankar Chatterjee
Executive Committee Member,
The Kennel Club of India.
6. S.R.Prusti
Executive Committee Member,
The Kennel Club of India.
7. T.Preetham
Executive Committee Member,
The Kennel Club of India.
- 8 S.Raman
Executive Committee Member,
The Kennel Club of India.

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9 Gauri Nargolkar
Executive Committee Member,
The Kennel Club of India.

10 Sanjit Kumar Hohanthy
Executive Committee Member,
The Kennel Club of India.

11 K.K.Trivedi
Executive Committee Member,
The Kennel Club of India.
(All the respondents are having office
at Post Box No.6872, No.28 (Old No.89),
AA Block, First Street, Anna Nagar,
Chennai 600 040.

...Respondents

PRAYER : Original application filed under Order XIV Rule 8 of O.S. Rules r/w Order XXXIX Rules 1 & 2 of C.P.C. and Section 9 of the Arbitration and Conciliation Act, 1996 to grant an order of temporary injunction restraining the respondents, their men, agents or any other persons acting on their behalf from denying the applicant's privilege and right to register litter/puppies/dogs for various purposes provided by the first respondent.

For Applicant : Mr.M.S.Krishnamurthy
Senior counsel for
M/s.K.S.Karthik Raja
For Respondents : Mr.R.Srinivas

ORDER

Though elaborate submissions put forth by both sides, taking note of the principles laid down by the Hon'ble Supreme Court in **TRF LIMITED VS. ENERGO ENGINEERING PROJECTS LTD. [(2017 (8) SCC 377 = 2017 SCC Online SC 692]**

though bylaw indicates nomination of Arbitrator as per Bylaw, in order to see the neutrality, when the Court posed question to the counsel on either side for appointment of Arbitrator, the learned counsel appearing for both sides, have left to the discretion of the Court.

2. Such view of the matter, in order to resolve the dispute between the parties, this Court cannot go into the question as to whether the membership of the applicant has to be suspended as per law and the same shall be decided only by the Arbitrator. The learned counsel appearing for both sides have consented before this Court for appointment of Mr.Yashod Vardan as Arbitrator.

3. Accordingly, Mr.Yashod Vardan, learned Senior Counsel is appointed as Arbitrator and the Reference is made to the Arbitrator to resolve the dispute between the parties as expeditiously as possible preferably within a period of six months from the date of receipt of copy of this order. Learned Arbitrator can fix the fee at his discretion and the same shall be paid by both parties.

4. In so far as O.A.No.1082 of 2019, though interim order sought for by the applicant, this Court is of the view that the applicant shall approach the Arbitrator for interim relief. With the above observation this application is closed.

28.8.2020

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N.SATHISH KUMAR, J.

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