

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.P.No.1010 of 2019

K.Kandasamy ... Petitioner

Vs.

1. R.Sulochana
2. M.Gandhimathi
3. R.Revathi

(R.Ravi appointed as a guardian to
represent the third respondent, as per
order dated 17.09.2020 in A.No.2073 of 2020)
... Respondents

Prayer : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate the disputes that has arisen between the petitioner on the one hand and the respondents on the other hand on account of non payment of the dues of the petitioner as stated in the notice of arbitration dated 04.04.2019.

For Petitioner : Ms.M.Vidya

For Respondents : Mr. A.S.Balaji for R1

Mr.S.Raghavan for R2

Mr.V.Balasubramanian for R4 & R5

ORDER

This petition has been filed seeking for appointment of a sole Arbitrator to adjudicate the disputes that has arisen between the parties in respect of the Joint development agreement dated 02.03.2011.

2. When the matter was listed on 17.09.2020, both sides have submitted that they have no objection for referring the matter for arbitration, to arrive at some consensus to have a common arbitrator.

3. Today, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents have agreed to have a senior Advocate Mr.M.K.Kabir, as arbitrator to enter upon the reference in this matter.

4. As per the Joint Development Agreement, the parties are agreed to refer the matter before the Arbitrator, in the event of any dispute arises between them. Since there is a dispute arose between the parties with regard to the refund of the amount, and also the parties are governed by the Agreement, and by consent of both sides, **Mr.M.K.Kabir, Senior Advocate** is appointed as Arbitrator to enter upon the reference.

5. Accordingly, it is ordered as follows:

i) That Mr.M.K.Kabir, Senior Advocate, (R) APT, C, Sree Illam, AJ 124, First Floor, Off 9th Main Road, Anna Nagar, Chennai 600 040, Mobile 9840044258, 9840186506 be and is 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.

21.09.2020

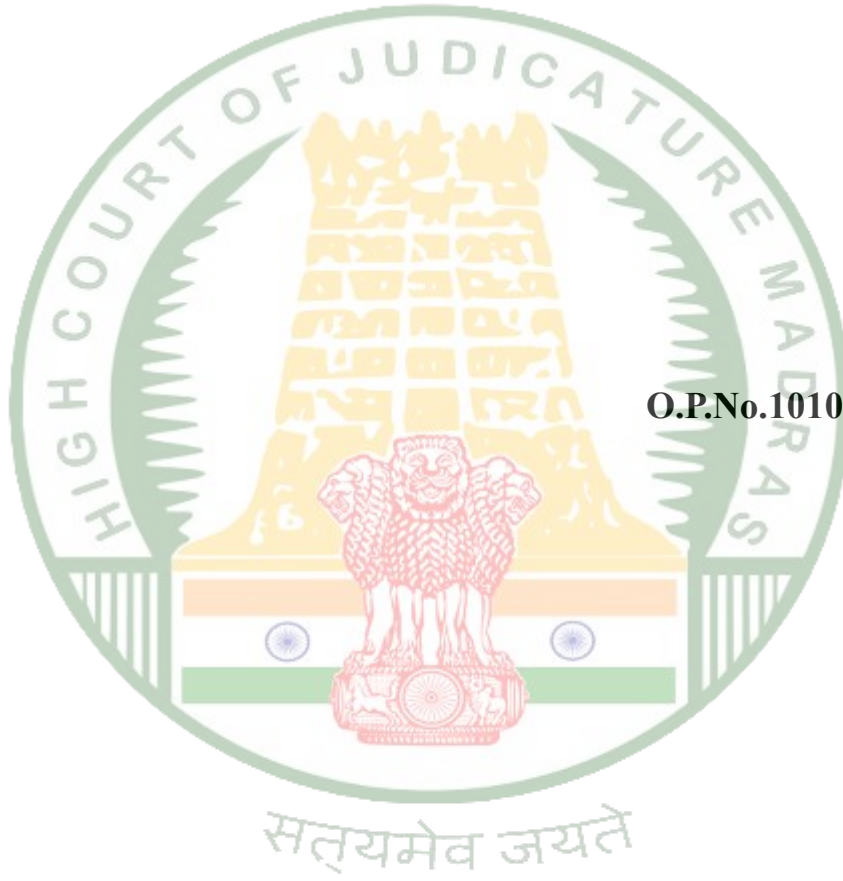
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N. SATHISHKUMAR, J.

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