

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P.No.1069 of 2019
and A.No.9782 of 2019

Srividhya

... Petitioner

-Vs-

1. Hemalatha. B

2. L.Dinakaran

... Respondents

PRAYER: Petition filed under Section 14 (1) (a) of the Arbitration and Conciliation Act 1996, to terminate the mandate of the learned arbitrator Mr.L.Dinakaran and to appoint an impartial arbitrator to adjudicate the dispute, if necessary, between the parties arising out of the Franchise Agreement dated 22.03.2018.

For Petitioner : Mr.S.R.Sundar for
Mr.P.K.Rajagopal

For Respondents : Mr.Abdul Hameed,
for M/s.AAV Partners

ORDER

This petition has been filed to terminate the mandate of the learned Arbitrator Mr.L.Dinakaran and to appoint an impartial arbitrator to adjudicate the dispute, if necessary, between the parties arising out of the Franchise Agreement dated 22.03.2018.

2. At the time of arguments, the learned counsel appearing on both sides submitted that they have no objection for appointing Mrs.Chitra Sampath, learned Senior Counsel as Arbitrator.

3. In view of the above, Mrs.Chitra Sampath, learned Senior Counsel, is appointed as 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 her remuneration and other incidental expenses. 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.

4. The learned counsel appearing for the respondent submitted that he has no objection for prosecuting the consumer forum proceedings. In view of the above, the interim order passed by this Court on 20.12.2019 and extended on 21.01.2020, may be vacated.

5. Accordingly, interim order already granted by this Court is vacated. The respondent is at liberty to raise all his objections before the consumer forum.

6. The Original Petition is, accordingly, disposed of, leaving the parties to bear their own costs.

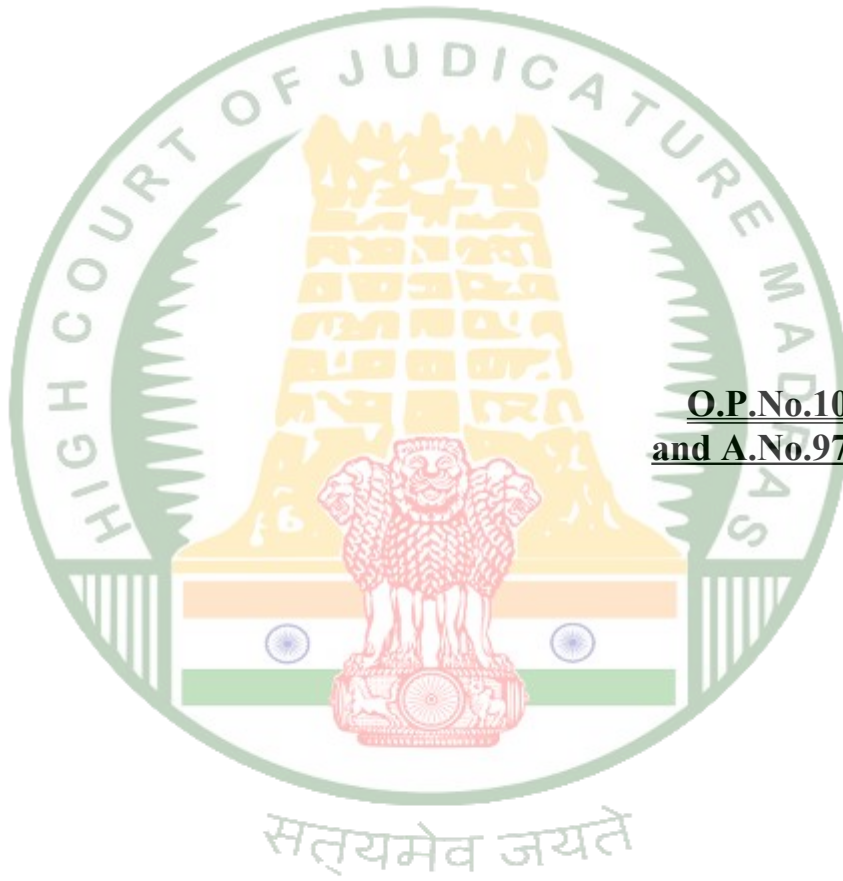
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N.SATHISH KUMAR, J.

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