

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

OP.Nos.878, 879 & 880 of 2018

and

A.Nos. 8011, 8012 and 8015 of 2018

D.V.Sivasankaran
S/o.D.N.Venugopal
TVH SVAYA, Flat A11-11
Pillaipakkam Post
Sriperumbudur-Kunrathur Road
Sriperumbudur-602 105
Kanchipuram

.. Petitioner in
O.P No.878 of 2018

Jemima Samuel
W/o.Samuel
Block 5, MF 1,
Chavali Enclave
No.19/2, Thiruvengatam Street
Kasturi Bai Nagar, Adyar
Chennai-600 020.

.. Petitioner in
O.P No.879 of 2018

M.P.Kumari
W/o.Mr.Prabhakaran
Old No.145, New No.104
Big Street, Triplicane
Chennai-600 005.

..Petitioner in
O.P No.880 of 2018

Vs.

M/s.Green Tree Homes & Ventures
Pvt. Ltd., Power Agent of
M/s.LVR Farms Pvt. Ltd.,
Rep. by its Director
Mr.P.Ravichandran
Having office at New No.13,
Sriman Srinivasan Road,
Alwarpet, Chennai-600 018.

.. Respondent
in all Ops.

COMMON PRAYER: Petitions filed under Section 11(6) of Arbitration and Conciliation Act 1996, praying to appoint a Sole Arbitrator to decide the dispute/claim between the petitioner and the respondent in accordance with Clause 46 of the identical Agreements.

For Petitioner : Mr.M.Aravind Subramaniam
in all OPs

ORDER

These three petitions have been filed for appointment of a Sole Arbitrator to decide the dispute/claim between the petitioner and the respondent in accordance with Clause 46 of the identical Agreements.

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2. The petitioners and the respondent have entered into agreement on 02.12.2013. It appears that the dispute arose between the parties. Clause 46 of the contract stipulates the reference to the Arbitrator in the event of any dispute between the parties.

3. It is the contention of the learned counsel for the petitioners that the petitioners are allottees and the similarly placed persons have raised the dispute previously. This Court, by an order dated 20.03.2018 appointed the retired District Judge as an Arbitrator to adjudicate the interse dispute between the parties. Hence, the same Arbitrator may be appointed, since the dispute is one and the same.

4. Despite the service of notice and the name printed in the cause list, none appeared for the respondent.

5. A perusal of the construction agreement dated 02.12.2013, the parties have specifically agreed in the agreement in the event of dispute, for reference. Hence, this Court is of the considered view that this matter can be referred to the same Arbitrator who was already appointed by this Court so that the the uniformity of the award can be expected.

6. Accordingly, it is ordered as follows:

i) That Mr.G.Palaniappan, District Judge (Retd.), residing at No.B3/S1-S2. VGN Serndal Apartments, Padma Street, V.G.N. Avenue, Mugappair Sri Scheme, Chennai-600 037, Mobile No.9443335815, be and is hereby appointed as the Sole Arbitrator to enter upon 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.

iv) That the Arbitration proceedings shall be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

v) That the parties hereto, shall bear their own costs.

7. These Original Petitions are disposed of. Consequently,
connected miscellaneous applications are closed.

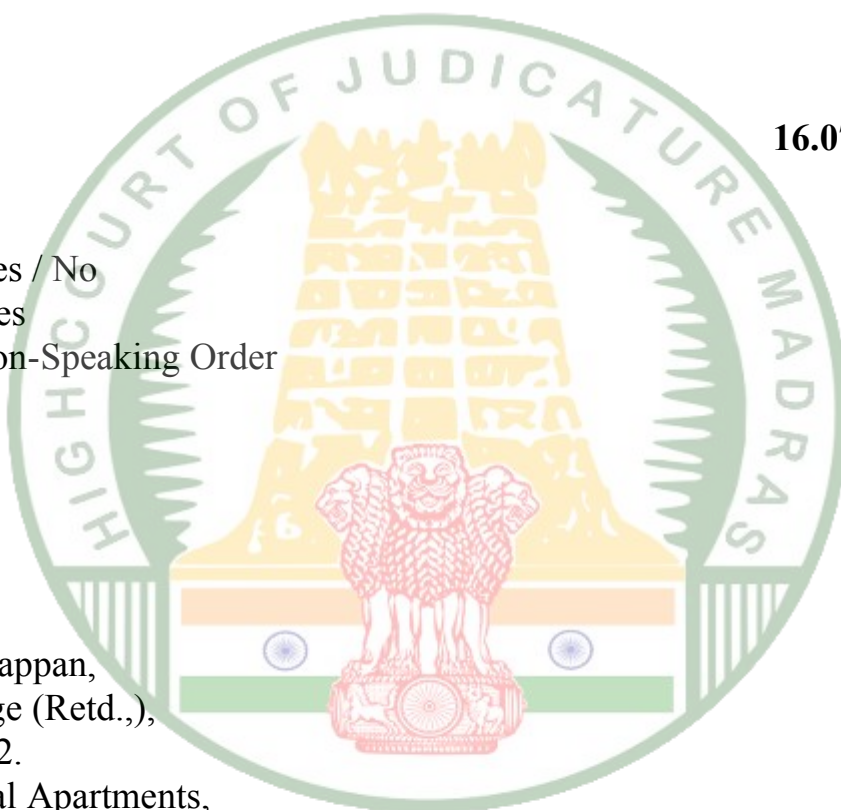
16.07.2020

Index : Yes / No
Internet : Yes
Speaking/Non-Speaking Order

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To

Mr.G.Palaniappan,
District Judge (Retd.),
No.B3/S1-S2.
VGN Serndal Apartments,
Padma Street,
V.G.N. Avenue,
Mugappair Sri Scheme,
Chennai-600 037.
Mobile No.9443335815



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N.SATHISH KUMAR,J
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