

A.Nos.196 to 215 of 2021 &
O.P.Nos.642, 643, 654 to 661 of 2020
and O.P.Nos.4 to 13 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

A.Nos.196 to 215 of 2021
and
O.P.Nos.642, 643, 654 to 661 of 2020
and
O.P.Nos.4 to 13 of 2021

Mahindra & Mahindra Financial Services Limited
rep.by its Authorised Signatory
Mr.G.Gajendran,
having its registered office at
Gateway Building, Apollo Bunder,
Mumbai – 400 001.
Also at New No.244, Old No.713,
III Floor Level 4, Rear Block,
Carex Centre Mount Road,
Thousand Lights, Chennai – 600 006.

...Applicant

-V-
सत्यमेव जयते

1.Cargowings Logistics Limited,
No.4/319, I Floor,
Valluvar Kottam High Road,
Nungambakkam,
Chennai – 600 034.

2.Mr.P.V.Subramani
represented by its Managing Director,
no.20/67, IA Sreerosh Rhea Apartments,
Central Street,
Kilpauk Garden Colony,
Chennai -600 010,
Tamil Nadu.

3.Maruthi Suzuki India Limited
having its registered office at
Plot No.1, Nelson Mandela Road,
Vasant Kunj, New Delhi – 110 070.

4.Glovis India Private Limited
having its office at
Plot No.F-98, 8th SIPCOT,
Industrial Park,
Irrungattukottai, Sriperumbudur Taluk,
Kancheepuram District – 602 117.

5.APL Logistics Vascor Automotive Pvt. Ltd,
having its registered office at
301-302 Plot NO.16-17 Community Centre,
Okhla Phase 1, New Delhi 110 020.

6 .M/s.Renault India Private Limited,
(RIPL) Head Office
having its Registered office at 4th floor,
ASV Ramana Towers, 37 and 38 Venktnarayana Road,
T.Nagar, Chennai Tamil Nadu.

7.M/s.Toyota Industries Engine India Pvt Ltd
having its Registered office
at Plot NO.9 Phase 2 Jigani Industrial Area,
Jigani, Bangalore 560 105.

8.M/s.Tafe TRactors and Farm Equipment Limited,
having its Registered office at
77 Nungambakkam High road
Nungambakkam Chennai 600 034 India.Respondents

Prayer: Application filed under Order XIV Rule 8 of the Original Side Rules read with Section 9 (ii) (a) (b) & (e) of the Arbitration and Conciliation Act, 1996 praying to pass a prohibitory order against the 3rd to 8th Respondents/Garnishees restraining and prohibitory them from paying/discharging any amounts to the tune of Rs.11,94,560/- as on 30/12/2020 to the Respondents 1st and 2nd and further direct the 3rd to 8th Respondents/Garnishees to deposit the said amount to the credit of this application.

For Applicant : Mr.S.Namasivayam

For Respondents : Mr.Ravichandran
for M/s.K.Elangovan

COMMON ORDER

The above applications are filed by the applicant against the respondents for various reliefs therein.

2.The respondents have entered appearance through the learned counsel. After hearing the arguments, it is clear that a dispute has arisen between the parties and the agreement between the parties contained Clause with reference to dispute resolution was to refer the same to an Arbitrator. The Venue of arbitration is also at Chennai.

3.The learned counsels for both sides agreed for the appointment of an Arbitrator to resolve the disputes among themselves. They have given their consent for appointment of Thiru.C.Manishankhar, Senior Advocate, as an Arbitrator to resolve the disputes arising under the various Agreements between the parties.

4. Accordingly, it is ordered as follows:

i) Thiru.C.Manishankhar, Senior Advocate, residing at GB Block I, CEDAR Park, No.9, 4th Main Road, extension Kottur Garden, Chennai-600 085, e-mail: cmshankhar@gmail.com, Mobile No.9849335115, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

iv) 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.

The Original Petition is, accordingly, allowed, leaving the parties to
bear their own costs. A.Nos.196 to 215 of 2021 are closed.

29.01.2021

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

To

Thiru.C.Manishankhar,
Senior Advocate,
GB Block I, CEDAR Park,
No.9, 4th Main Road,
extension Kottur Garden,
Chennai – 600 085,

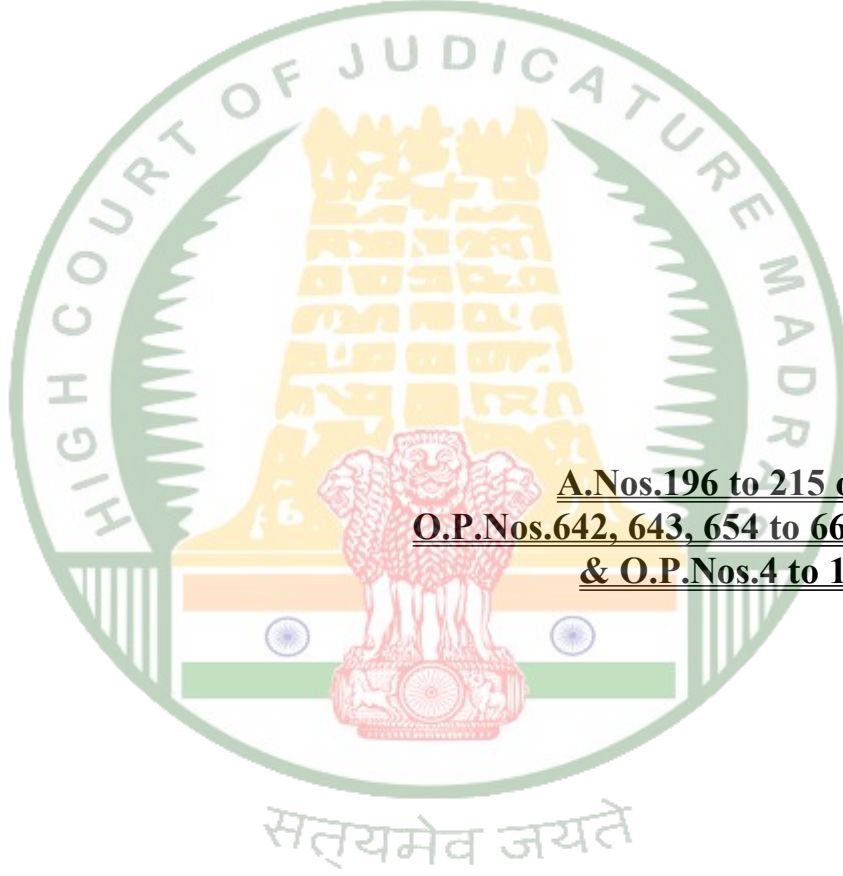


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P.T. ASHA. J.

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