

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 20TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.O.P.No.153 of 2021

In the matter of Section 11 of the
Arbitration and Conciliation Act, 1996

And

In the matter of Franchise Agreement
Dated 31st March, 2015 and
Supplementary Agreement dated
23.11.2018

Medall Scans and Labs Private Limited,
rep.by its Legal Executive,
No.67, 2nd Floor, TNPL Building,
Anna salai, Guindy,
Chennai - 600 032.

... Petitioner

-Vs-

Brindha Brighton,
No.50, Marvel Riverview Country,
Mariaman Koil Street,
Manapakkam,
Chennai - 600 125.

... Respondent

Arbitration Original Petition praying that this Hon'ble Court be
pleased to

(a) Appoint an arbitrator, in terms of the Agreement dated 31.03.2015
and supplementary agreement dated 23.11.2018 entered into between the
Petitioner and the Respondent, for the purpose of adjudicating upon the

disputes that have arisen between the Petitioner and the Respondent;

(b) Award costs of the present proceeding to the petitioner.

This Original Petition coming on this day before this court for hearing in the presence of Mr.Srinath Sridevan, advocate for the Petitioner herein and the Respondent herein not appearing in person or by advocate and upon reading the Petition and the Affidavit of S.Ashwin filed herein and, **it is ordered as follows:-**

That Mr.N.C.Ramesh, learned Senior Advocate, 6/47 North Road, West C.I.T.Nagar, Behind Nandhi Statue, Chennai – 600 035 (Mobile No.9841212720) be and is hereby appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

2) 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.

3) That the learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.

4) That both parties hereto shall bear their own costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
20TH DAY OF OCTOBER 2021.

Sd/-
ASSISTANT REGISTRAR (Comm Cases)

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies
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ED

30.10.2021

Arb O.P.No.153 of 2021

ORDER

DATED: 20.10.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 02/11/2021

APPROVED ON : 15/11/2021

Copy to:

Mr.N.C.Ramesh,
Learned Senior Advocate,
Sole Arbitrator,
6/47, North Road,
West C.I.T.Nagar,
Behind Nandhi Statue,
Chennai – 600 035.
(Mobile No.9841212720)

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20/10/2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb. O.P. No. 153 of 2021

Medall Scans and Labs Private Limited,
rep.by its Legal Executive,
No.67,2nd Floor, TNPL Building,
Anna salai, Guindy,
Chennai - 600 032.

. . . Petitioner

Versus

Brindha Brighton,
No.50,Marvel Riverview Country,
Mariamankoil Street,
Manapakkam, Chennai - 600 125.

. . . Respondent

PRAYER : Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996, to appoint an arbitrator, interms of the agreement dated 31.03.2015 and supplementary agreement dated 23.11.2018 entered into between the petitioner and respondent, for the purpose of adjudicating upon the disputes that have arisen between the petitioner and the respondent and to award costs of the present proceeding to the petitioner.

For Petitioner : Mr.Srinath Sridevan

For Respondent : No Appearance

ORDER

This Arbitration Original Petition has been filed to appoint an arbitrator, in terms of the agreement, dated 31/3/2015 and supplementary agreement, dated 23/11/2018 entered into between the petitioner and the respondent, for the purpose of adjudicating upon the disputes that have arisen between the petitioner and respondent.

2. Heard Mr.Srinath Sridevan, learned counsel for the petitioner.

3. Despite the name has been printed in the cause list, none appeared for the respondent.

4. Learned counsel appearing for the petitioner submitted that Clause 13 (b) of the agreement entered into between the parties, provide for reference to the arbitration. He would further submit that the respondent is also willing to go for arbitration.

5. Considering the nature of dispute, this Court, appoints Mr.N.C.Ramesh, learned Senior Advocate, as a sole Arbitrator to arbitrate the dispute between the parties.

6. Accordingly, this original petition is ordered as follows:

- i) Mr.N.C.Ramesh, learned Senior Advocate,
6/47 North Road, West C.I.T.Nagar, Behind Nandhi
Statue, Chennai 600 035 (Mobile No.98841212720), is

appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] 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] The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.

7. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J.,
20.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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