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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 20TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.330 of 2021

and

O.A. No.580 of 2020

and

A.No.2669 of 2020

In the matter of Indian
Arbitration and Conciliation
Act, 1996 (Act of 20/1996)

and

In the matter of Loan
Agreement dated 30.07.2019
executed by Sri Amman Pile
Foundation and others in favour
of M/s.Orix Leasing and
Financial Services Limited

M/s.Orix Leasing and Financial Services India Limited,
SP-4, SIDCO, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai-600 032

rep. by its Assistant Vice President (SME)

...Petitioner/ Applicant
(in both the applications)

-Versus-

1. M/s.Sri Amman Pile Foundation,
rep. by its Partners,
Mr.V.Harikrishnan & Mrs.H.Maanvizhi

2. Mr.V.Harikrishnan,

3. Mrs.H.Maanvizhi,
all at No.5, Pillayar Koil Street,



Sathiya Sai Nagar, Thirumangalam,
Anna Nagar, Chennai-600 040
also at: Kalaignar Street, Ambedkar Nagar,
Payanur Village, Thiruporur Taluk,
Chenglepet District-603 104.

... Respondents
(in both the applications)

O.P.No.330 of 2021:-

Original Petition praying that this Hon'ble Court be pleased to appoint an Arbitrator under Section 11(5) r/w Section 11(4) of the Arbitration and Conciliation Act 1996, as amended from time to time in order to resolve the dispute between the petitioner and the Respondent arising out of and in connection with the loan agreement dated 30th July 2019.

O.A. No.580 of 2020:-

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining and prohibiting the respondent No.2, his men, agents or person claiming under him from alienating, encumbering or creating third party interest and handing over possession of the properties morefully described in the schedule mentioned below.

A.No.2669 of 2020:-

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents to furnish security to the tune of INR

60,62,176.49 or such sum as this Hon'ble Court may direct within such time

that this Hon'ble Court may stipulate and in case of such default, order



attachment of the property of the Second Respondent morefully described in the schedule mentioned below.

This Original Petition alongwith these applications coming on this day before this court for hearing in the presence of Mr.Mothilal, Advocate for the petitioner in O.P.No.330 of 2021 and for the applicant in O.A.No.580 of 2020 and A.No.2669 of 2020, and Mr.S.Janarthanan, Advocate for the Respondents in O.P.No.330 of 2021 and O.A.No.580 of 2020 and A.No.2669 of 2020, and upon reading the petition filed in O.P.No.330 of 2021 and the order herein dated 30.06.2021, it is ordered as follows:-

***That Mr.B.Anand Johnson, Advocate, residing at Plot No.1, Parvathy Nagar (VGP), Rajakilpakkam, Chennai 600 073, Mobile No.9962680233** be and is hereby appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

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.

***Incorporated as per order dated 24/8/2021
made in O.P.No.330 of 2021 & O.A.No.580 of 2020
& A.No.2669 of 2020.**



iii] That the learned Sole Arbitrator appointed herein shall fix his fees and other incidental charges and the same shall be borne by the parties equally.

iv) That the order of interim injunction granted in pursuance of the order dated 10.11.2020 made in OA.No.580 of 2020 restraining the 2nd respondent therein, his men, agents or person claiming under him from alienating, encumbering or creating third party interest and handing over possession of the properties morefully setout in the schedule thereunder be and are hereby extended till the arbitration proceedings are over.

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

vi) That the A.No. 2669 of 2020 do stand closed.

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

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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04.08.2021

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O.P.No.330 of 2021
and
O.A. No.580 of 2020
and
A.No.2669 of 2020

ORDER:-
DATED: 20.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 05.08.2021

APPROVED ON : 05.08.2021

Copy to:

1.Mr.Vijayan Subramanian,
Advocate,
Sole Arbitrator
residing at Old No.33, New No.17,
Pulla Avenue, Shenoy Nagar,
Chennai – 600 030.
Mobile No. 9841320723,

2.Mr.B.Anand Johnson,
Advocate, Sole Arbitrator,
residing at Plot No.1,
Parvathy Nagar (VGP),
Rajakilpakkam,
Chennai – 600 073,
Mobile No.9962680233.



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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.330 of 2021 & O.A.No.580 of 2020
& A.No.2669 of 2020

M/s.Orix Leasing and Financial Services India Limited,
SP-4, SIDCO, Thiru-vi-ka-Industrial Estate, Guindy,
Chennai – 600 032.

Represented by its Assistant Vice President [SME]

. . . Petitioner

Versus

1. M/s.Sri Amman Pile Foundation,
represented by its Harikrishnan and Mrs.H.Maanvizhi

2. Mr.V.Harikrishnan

3. Mrs.H.Maanvizhi

All at No.5, Pillayar Koil Street, Sathiya Sai Nagar,
Thirumangalam, Anna Nagar, Chennai – 600 040.

Also at :

Kalaingar Street, Ambedkar Kagar, Payanur Village,
Thiruporur Taluk, Chengalpet District – 603 104.

. . . Respondents

PRAYER : Petition filed under Order Section 11 [5] of Arbitration and Conciliation Act, 1996 to appoint an arbitrator in order to resolve the dispute between the petitioner and the respondents arising out of and in connection with the loan agreement dated 30.07.2019.

For petitioner : Mr.Mothilal Goda

For respondents : Mr.S.Janarthanan

**ORDER**

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This application has been filed for appointment of an arbitrator in a dispute arose between the parties in respect of a loan agreement on 30.07.2019.

2. It is not in dispute by either side the existence of the arbitration clause and the parties are governed by the arbitration clause to refer the dispute to the arbitrator, since the dispute is only in respect of repayment of the loan amount.

3. Accordingly, with the consent of both sides, it is ordered as follows:

***i)that Mr.B.Anand Johnson, Advocate,
residing at Plot No.1, Parvathy Nagar
(VGP), Rajakilpakkam, Chennai 600073,
Mobile No.99626 80233 is appointed as a Sole
Arbitrator to enter upon reference and adjudicate the
matter.**

*** Incorporated as per order dated 24.08.2021
made in O.P.No.330 of 2021 & O.A.No.580 of 2020
& A.No.2669 of 2020.**

**Sd./- 03.09.2021
Assistant Registrar (O.S.II)**



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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 Sole Arbitrator appointed herein shall fix his fees and other incidental charges and the same shall be borne by the parties equally.

iv] The interim Order already passed by this Court in O.A.No.580 of 2020 on 10.11.2020 is extended till the arbitration proceedings are over.

5. This Original application is ordered accordingly, leaving the parties to bear their own costs. Consequently, connected application in A.No.2669 of 2020 is closed.

Sd./-(N.S.K.J.,)
20.07.2021

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

COURT OFFICER(O.S.)
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