



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 12TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. Nos.401 & 402 of 2021

O.P. No.401 of 2021

In the matter of Section 11 of the
arbitration and Conciliation Act, 1996
And

In the matter of disputes arising out of
the Partnership agreement dated
16.11.2013 between M/s.Lingam
Silks, Represented by its partner
Mr.V.Rajagopal And
Mr.C.Anantharamakrishnan.

In the matter of:
M/s.Lingam Silks
Represented by its Partner Mr.V.Rajagopal
No.9, Ellaiyamman Koil Street,
Thiruvarur.

. . . Petitioner

Versus

Mr.C.Anantharamakrishnan
S/o. R.Chockalingam
(New Building) Alivalam Main Road,
Alivalam Village, Tiruvarur Dist-610 106
Also at,
No.12, Lingam Plastic shop,
Thiruvarur Town, Tiruvarur 610001.

. . . Respondent

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

a) Appoint an Arbitrator in furtherance of Clause 12 of the

Partnership agreement dated 16.11.2013 to adjudicate upon the disputes /

differences between the Petitioner and the Respondent;



b) direct the respondent to pay the costs of these proceedings.

O.P. No.402 of 2021

In the matter of Section 11 of the
arbitration and Conciliation Act, 1996
And

In the matter of disputes arising out of
the Partnership agreement dated
05.04.2017 between M/s.Lingam
Silks, Represented by its partner
Mr.V.Rajagopal And
Mr.R.Chockalingam.

In the matter of:
M/s.Lingam Silks
Represented by its Partner Mr.V.Rajagopal
No.9, Ellaiyamman Koil Street,
Thiruvarur.

. . . Petitioner

Versus

Mr.R.Chockalingam
S/o.D.Rajagopal Pillai
No.306, Bajanamada Street,
Alivalam Village, Tiruvarur Dist-610 106.

. . . Respondent

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

a) Appoint an Arbitrator in furtherance of Clause 11 of the
Partnership agreement dated 05.04.2017 to adjudicate upon the disputes /
differences between the Petitioner and the Respondent;

b) direct the respondent to pay the costs of these proceedings.

These Original Petitions coming on this day before this court for
hearing in the presence of Mr.P.Dinesh Kumar, Advocate for the petitioner
in both Original Petitions and the respondent herein not appearing in person
or by advocate and upon reading the petitions filed herein, it is ordered as



follows:-

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That the Hon'ble Mr. Justice Mr.G.Rajasuria, Judge [Retd.], High Court, Madras, residing at No.31, III Cross Street, Brindavanam, Puducherry, Mobile No.9445000864 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 fix his fees and other incidental charges and the same shall be borne by the parties equally.

4. That the parties hereto, shall bear their own costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 12th 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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O.P.Nos.401 & 402 of 2021

ORDER

DATED: 12.07.2021

THE HON'BLE MR.JUSTICE

N.SATHISH KUMAR

FOR APPROVAL: 5.8.2021

APPROVED ON : 05.8.2021

Copy to:

The Hon'ble Mr. Justice
Mr.G.Rajasuria, Judge [Retd.],
High Court, Madras,
residing at No.31,
III Cross Street, Brindavanam,
Puducherry,
Mobile No.9445000864



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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.Nos.401 & 402 of 2021

M/s.Lingam Silks,
Represented by its Partner Mr.V.Rajagopal,
No.9, EllaiyammanKoil Street, Thiruvarur

. . . Petitioner

Versus

Mr.C.Anantharamakrishnan

. . . Respondent

PRAYER : Petitions filed under Section 11(5) of Arbitration and Conciliation Act, 1996 to appoint an arbitrator in furtherance of Clause 12 of the Partnership agreements dated 16.11.2013 and 05.04.2017 to adjudicate upon the disputes / differences between the petitioner and the respondent and for costs.

For petitioner : Mr.P.Dinesh Kumar
in both petitions

Respondent : No appearance

COMMON ORDER

These Original Petitions have been filed to appoint an arbitrator to resolve the dispute arising out of Partnership Agreements dated 16.11.2013 and 05.04.2017 entered between the petitioner and the respondent.



2. Pursuant to the Partnership Agreements entered between the parties, dispute arose between the parties and the parties are bound by the specific clause in the agreement which provides for reference. Clause 11 of the partnership agreements is governing the parties to refer the dispute to arbitration.

3. It is the contention of the petitioner that they have nominated Justice Mr.K.Kannan, former Judge Madras and Punjab and Haryana High Court, as an arbitrator. However, the respondent has not sent any reply.

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

5. The agreements referred above make it clear that in the event of any dispute between the parties, the same shall be referred to arbitration as per clause 11 of the agreements entered between the parties.

6. Considering the above facts and circumstances, it is ordered as follows:

i) that Mr.G.Rajasuria, Judge [Retd.], High Court, Madras, residing at No.31, III Cross Street, Brindavanam, Puducherry, Mobile No.9445000864 is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] That the learned Arbitrator appointed herein,



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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.

5. These Original Petitions are ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J

12.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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