

O.P.No.274 of 2018

N.SATHISH KUMAR,J

This Original Petition has been filed for appointment of a sole Arbitrator to adjudicate the disputes between the parties in terms of the Partnership Deed, dated 30/7/2012.

2. Vide, order, dated 30/10/2018, this Court has appointed Mr.Yousf Ali, Retired District Judge, as sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties and the instant Application was allowed.

3. Today, when A.No.1354 of 2021 was taken up for hearing, learned counsel appearing for the applicants submitted that during the pendency of the proceedings, claimant was died, on 28/10/2019. Mandate given by this Court to the learned Arbitrator was expired, on 22/1/2020. Due to Covid situation, the applicants could not file an application for extension. Since the settlement could not materialise, an application was filed before the

learned Arbitrator to implead the applicants, as legal heirs of her deceased husband in the Arbitration proceedings.

4. Learned counsel appearing for the applicants further submitted that since the parties inability to complete the proceedings, within six months, the applicants seek permission of this Court to extend a further period of six months time, for completion of the arbitration proceedings to pass an Arbitral award.

5. Though objection was raised by the learned counsel for the respondent, this Court is of the view that before the steps being taken to implead themselves, mandate of the Arbitrator had already over.

6. In such a view of the matter, a further period of six months time is extended, from the date of receipt of a copy of this order, for completion of the arbitration proceedings and to pass an Arbitral award.

7. Taking note of the pendency of the proceedings, this Court is inclined to appoint Mr.J.Krishnamoorthy, Retired District Judge, in the place of Mr.Yousf Ali, Judge (Retd) as Sole Arbitrator.

8. Accordingly,

i) Mr.J.Krishnamoorthy, Retd. District Judge, B-2/D, NUTECH Krishna, New D.No.37 (Old D.No.15), Soundararajan Street, T.Nagar, Chennai 600 017 (Mobile No.9442092363) 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.

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mvs.

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.

9/7/2021

mvs.

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