



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 02ND DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.365 of 2020 & A.No.1529 of 2021

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

And

In the matter of Arbitration Between
M/s Galada Finance Ltd.,

Vs

Mr.A.Raajender, S/o.M.Arumugam,
No.33/1, Devaki Nagar, Part III, 4th
Street, Next Maniammal School,
Poonaiamman Medu, Chennai – 600
110. And 2 Others

O.P.No.365 of 2020 &

A.No.1529 of 2021

M/s.Galada Finance Ltd.,
Rep. by its Manager, Mr.G.Ramesh
Having registered Office at
'Shanthi Sadan' Old No.4, New No.7,
Shafee Mohammed Road, Thousand Lights,
Chennai – 600 006.

. . . Petitioner

-Vs-

1. Mr.A.Rajender,
S/o. M.Arumugam,
No.33/1, Devaki Nagra,
Part III, 4th Street,
Next Maniammal School,
Poonaiamman Medu,
Chennai – 600 110.



2. Mrs.B.Bharathy,
W/o. A.Raajender,
No.33/1, Devaki Nagar,
Part III, 4th Street,
Next Maniammal School,
Poonaiamman Medu,
Chennai – 600 110.
3. Mr.K.Ganesh,
S/o. N.Karuppaiah,
No.19, Birnthavan,
Subburaya Muthali Theru, Otteri,
Chennai – 600 012.

. . Respondents

O.P.No.365 of 2020

Original Petition praying that this Hon'ble Court be pleased to appoint an Arbitrator to redress the disputes between the petitioner and the respondent herein as per the terms of the Hire Purchase Agreement dated 13.12.2010, under the Arbitration and Conciliation Act 1996.

A.No.1529 of 2021

Application praying that this Hon'ble Court be pleased to direct both the respondents 1 to 3 furnish security for a sum of Rs.39,03,564/- as on 19.03.2021 towards loan amount including principle and interest pertains to the Hire Purchase Agreement dated 13.12.2020 before this Hon'ble Court failing which, attach the immovable property belongs to the 2nd Respondent which morefully described in the schedule until the disposal of the



WEB COPY This Original Petition coming on this day before this court for hearing in the presence of Ms.Vijayalakshmi advocate for the Petitioner in O.P.No.365 of 2020 and for the Applicant in A.No.1529 of 2021 and Ms.Nisha for Mr.S.Ramajayam, advocate for the 3rd Respondent in O.P.No.365 of 2020 and A.No.1529 of 2021 and for the 1st & 2nd Respondents herein not appearing in person or by advocate and upon reading the Judges summons and Affidavit of G.Ramesh filed in A.No.1529 of 2021 and for the Counter Affidavit of the K.Ganesh filed in O.P.No.365 of 2020 and

it is ordered as follows:-

That Mr.S.Arjun, Suresh Advocate, residing at New No.54, 3rd Main Road, Gandhi Nagar, Adyar, Chennai – 600 020, (Mobile No.9789971118) be and is hereby appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

2) That the learned Sole 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 applicant herein shall move before the arbitrator for any interim relief under section 17 of the Arbitration and Conciliation Act, no further order is required in this applicant.

5) That the Application No.1529 of 2021 do stand closed.

6) 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
02ND DAY OF SEPTEMBER 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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ED

27.09.2021

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O.P.No.365 of 2020 &
A.No.1529 of 2021

ORDER

DATED: 02.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 30.09.2021

APPROVED ON : 01.10.2021

Copy to:

Mr.S.Arjun Suresh, Advocate,
Sole Arbitrator,
New No.54, 3rd Main Road,
Gandhi Nagar,
Adyar, Chennai – 600 020.
(Mobile No.97899 71118)



THE HIGH COURT OF JUDICATURE AT MADRAS

Date 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.365 of 2020 & A.No.1529 of 2021

M/s.Galada Finance Ltd.,
Rep. by its Manager, Mr.G.Ramesh
Having registered Office at
'Shanthi Sadan' Old No.4, New No.7,
Shafee Mohammed Road, Thousand Lights,
Chennai – 600 006.

. . . Petitioner

Versus

1. Mr.A.Rajender
2. Mrs.B.Bharathy
3. Mr.K.Ganesh

. . Respondents

PRAYER : Petition filed under Order Section 11 [4] [5] of Arbitration and Conciliation Act, 1996 to appoint an arbitrator to redress the disputes between the petitioner and the respondents herein as per the terms of the Hire Purchase Agreement date 13.12.2010, under the Arbitration and Conciliation Act, 1996.

For petitioner : Ms.Vijalakshmi

For respondents : Ms.Nisha
for Mr.S.Ramajayam

**ORDER**

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This application has been filed for appointment of a fresh arbitrator in a dispute arose between the parties in respect of a Hire Purchase Agreement on 13.12.2010. The award passed by the previous arbitrator has been set aside by this Court.

2. The parties are governed by the clauses in the agreement and clause 15 of agreement provides for reference of the dispute to the arbitrator.

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

i) that Mr.S.Arjun Suresh, Advocate, residing at New No.54, 3rd Main Road, Gandhi Nagar, Adyar, Chennai – 600 020, Mobile No.9789971118 is 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.



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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.

4. This Original Petition is ordered accordingly, leaving the parties to bear their own costs. As far as the application in A.No.1529 of 2020 filed under section 9 of the Arbitration and Conciliation Act is concerned, since an arbitrator has been appointed in the Original Petition, the applicant can move before the arbitrator for any interim relief under section 17 of the Arbitration and Conciliation Act, no further Order is required in this applicant and the application is closed.

Sd./-N.S.K.J.,
02.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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