



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 3RD DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.592 of 2020

and

A.No.2578 of 2021

In the matter of Arbitration And
Conciliation Act, 1996

and

Appointment of arbitrator under
Sec.11 of the Act as per MOU dt
19.11.2018.

1. Badri Narayan
Residing at 6/31, Sastha Nagar,
Near 100 ft.Road,
Villivakkam, Chennai 600 049.

2. B.Gayathri,
Residing at 6/31, Sastha Nagar,
Near 100 ft.Road,
Villivakkam, Chennai 600 049.

.. Petitioners/Applicants

-Versus-

1. Halan Harikrishnan
Prop. Of CF Chutney Foods
S/o.Halan Ramgowder,
No.4, 1st Avenue, Akshaya Colony,
Padi, Chennai 600050.

2. Banupriya
W/o.Halan Harikrishnan
C/o.Chutny Foods,
No.41C, Karunigar Street,
Nerkundram, Chennai 600107.

... Respondents/Respondents



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

a) appoint an independent and impartial Arbitrator to hear and decide the disputes between the petitioners and respondents as per MOU, dated 19/11/2018.

b) direct the Respondents to pay the cost of this petition.

A.No.2578 of 2021

Application praying that this Hon'ble Court be pleased to permit the petitioners to amend the short and long cause title of the respondents from (1) Halan Harikrishnan, S/o Halan Ramgowder, Proprietor of CF-Chutny Foods, No.4, 1st Avenue, Askhaya Colony, Padi, Chennai 600 050 and (2) Banupriya W/o. Halan Harikrishnan C/o. Chutuny Foods No.41C, Karunigar Street, Nerkundram, Chennai 600 107 to (1) Halan Harikrishnan, S/o. Halan Ramgowder, No.4, 1st Avenue, Akshaya Colony, Padi, Chennai 600 050 (2). Banupriya, W/o. Halan Harikrishnan Proprietor of CF-Chutny Foods No.41C, Karunigar Street, Nerkundram, Chennai 600 107.

This Original Petition along with the Application coming on this day before this court for hearing in the presence of Mr.R.Sathish Kumar, advocate for the petitioner in O.P.No.592 of 2020 and for the applicant in A.No.2578 of 2021 and the respondent herein not appearing in person or by

advocate and upon reading the petition and the Affidavit of Badrinarayanan filed in O.P.No.592 of 2020 and the Judges Summons and the Affidavit of



Badrinarayanan filed in A.No.2578 of 2021 and,

it is ordered as follows:-

That Mr.P.Giridharan, Advocate, Chamber “VANGUARD HOUSE”, III Floor, No.48 Second Line Beach, Parrys, Chennai 600 001 (Ph-9884672733), 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.

5. That the A.No.2578 of 2021 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
3rd DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



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KY-10/08/2021

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O.P. No.592 of 2020
and
A.No.2578 of 2021

ORDER

DATED: 03/08/2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 18/08/2021

APPROVED ON : 19/08/2021

Copy to:

Mr.P.Giridharan, Advocate,
Arbitrator,
Chamber "VANGUARD HOUSE",
III Floor, No.48 Second Line Beach,
Parrys, Chennai 600 001
(Ph-9884672733)



IN THE HIGH COURT OF JUDICATURE AT MADRAS

C O R A M

DATED: 3/8/2021

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.P.No.592 of 2020

a n d

A.No.2578 of 2021

1. Badri Narayanan

2. B. Gayathri ... Petitioners

Vs

1. Halan Harikrishnan
Prop. Of CF Chutney Foods

2. Banupriya ... Respondents

Original Petition has been filed under Sections 11(5) and 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an independent and impartial Arbitrator to hear and decide the disputes between the petitioners and respondents as per MOU, dated 19/11/2018.

For petitioners ... Mr.R.Sathish Kumar

For respondents ... No appearance

ORDER

This Original Application has been filed to appoint an independent and impartial Arbitrator to hear and decide the disputes between the petitioners and respondents as per MOU, dated 19/11/2018.

2. Heard Mr.R.Sathish Kumar, learned counsel for the petitioners



and there is no representation for the respondents.

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3. Mr.R.Sathish Kumar, learned counsel appearing for the petitioners submitted that according to Clause 14 of the MOU, dated 19/11/2018, the disputes shall be amicably settled through negotiation. According to the said Clause, the disputes shall be resolved by a mutual Arbitrator.

4. As the parties are governing to the terms of the Contract, this Court is inclined to appoint Mr.P.Giridharan, Advocate, as an Arbitrator to enter upon reference and adjudicate the matter.

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

i) Mr.P.Giridharan, Advocate, Chamber “VANGUARD HOUSE”, III Floor, No.48 Second Line Beach, Parrys, Chennai 600 001 (Ph-9884672733) 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



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shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.

6. This Original Petition is ordered accordingly, leaving the parties to bear their own costs. Consequently, connected application is closed.

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

03.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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