

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.551 of 2020

M/s.Fairyland Foundations Private Limited
rep. by its Managing Director,
Mr.S.Saravanan,
Plot No.24, Velacherry,
MRTS Inner Ring Road,
Near DRA Tuxedo,
Kubera Nagar,
Velacherry,
Chennai – 600 042.

...Petitioner

-V-

K.K.Chandrasekar

...Respondent

Prayer: Original Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 praying to pass an order of appointment of a retired Judge of the Madras High Court to resolve the disputes that have arisen between the petitioner and the respondent in relation to the Development Agreement dated 20.02.2013 in respect of the property described in Schedule “A”, “B” and “C”.

For Petitioner : Ms. Vasudha Thiagarajan

For Respondent : Mr.D. Krishna Pradeep

ORDER

The above application has been filed for appointment of an Arbitrator to resolve the disputes between the petitioner and the respondent with reference to the Development Agreement dated 20.02.2013.

2.Both the parties had named their Arbitrators before this Court. While the petitioner had suggested the name of Mr.A.Subramanian, Advocate, Coimbatore as the Arbitrator, the respondent had originally suggested the name of Mr.C.Padmanaban, District Judge (Retd), as an Arbitrator.

3.Thereafter, a rejoinder has been sent by the petitioner proposing the name of three retired Honourable Judges of this Court. Since the parties had not arrived at a consensus this instant petition has been filed.

4.Today when the matter is listed both the parties have agreed to appoint a retired Judge as the sole Arbitrator.

5.Considering the fact that the project was to be executed at Coimbatore and the respondent/land owner is also residing therein and also taking into account the fact that the parties have conferred the jurisdiction of this Court at Coimbatore, it is ordered as follows:

(i)Thiru..R.Dhandapani, Additional District Judge (Retd.), No.12, Main Road, New Ananda Nagar, P.N.Pudur, Coimbatore-641041, Contact No. 9443219199, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) The learned Arbitrator may, 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. It is open to the respondent to raise all legal objections as to the validity of contract.

P.T. ASHA. J.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs.

04.01.2021

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
mps

To

Thiru.R.Dhandapani,
Additional District Judge (Retd.),
No.12, Main Road,
New Ananda Nagar,
P.N.Pudur,
Coimbatore-641041.



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