

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.A.No.623 of 2019

1.Mrs.Alice Janakiraman
2.Mr.Victor Janamiraman ...Applicants

-V-

1.The Secretary,
Arcot Lutheran Church Complex,
Bharathi Road,
Manjakuppam,
Cuddalore.

2.The Election Commissioner,
Broadway Pastorate.

3.Mr.Nalladas,
Pastor,
Broadway Pastorate.

4.The Secretary,
Broadway Pastorate,

respondents 2 to 4 all having office at
Broadway Road,
KothwalChavadi,
George Town,
Chennai – 600 001.

...Respondents

Prayer: Original Application filed under Order Xiv Rule 8 of the Madras High Court Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 praying to grant an order of injunction, restraining the respondents 2 to 4, their men, agents, servants, subordinates or any person claiming thereunder from representing themselves to be the pastorate and assuming management of the Broadway Church, pending disposal of the Arbitration.

For Applicant : Mr.Avinash Wadhwari
for M/s.V.Raghavachari

For Respondents : Mr.Bhagwat Krishn
for M/s.Srinath Sridevan for R1

Mr.R.Sreedhar for R3

Mr.S. Rajmahesh for R4

ORDER

This Court by order dated 08.02.2021 had directed the learned counsel appearing for the Church Board to suggest the names of five independent persons who could act as a sole Arbitrator to resolve the

disputes between the parties. Pursuant to the said order, the learned counsel had given the names of five arbitrators as follows:

1.Mr.A.Ranganathan, No.182, Tagore Street, Jothi Nagar, Cuddalore – 607 006.

2.Mr.K.K.Elango @ Babu, No.B8, Wood Cutter Street, Block 25, Neyveli – 3.

3.Mrs.R.Vanmathi Thiru Gnanaselvi, No.173, Near LC High Hospital, Thukkapet, Chengam – 606 611.

4.Mr.R.Yogarajan, No.290, Vada Arasambattu, Malapambadi Post, Somasipadi SO, - 606 611.

5.Advocate R, Mohanraj, No.82, Thukkapet, Chengam – 606 709.

2.Though an application under Section 9 of the Act in the subject matter before this Court all the parties have agreed to refer the matter to a sole Arbitrator. It is also made clear that this order is only an one time measure considering the peculiar circumstances surrounding the case.

3.However, when the names were called out one of the learned counsels submitted that two of the persons who have been referred to therein had also participated in the election and therefore, they cannot be considered for appointment. The parties were not able to arrive at a consensus on the names. Therefore, this Court had informed the learned counsel that an Arbitrator would be appointed by the Court to which there was no objection. Therefore, this Court appoints Mr.A.R. Karunakaran, Advocate as an Arbitrator. It is needless to state that this appointment is only as an one time measure and shall not form of precedent.

4. Accordingly, it is ordered as follows:

i) Mr.A.R. Karunakaran, Advocate, residing at No.910, Poonamallee High Court, 1st Lane, Purasawalkam, Chennai – 600 084, Mobile No.:9841061270, 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.

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

iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

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

02.03.2021

Internet : Yes/No

Index : Yes/No

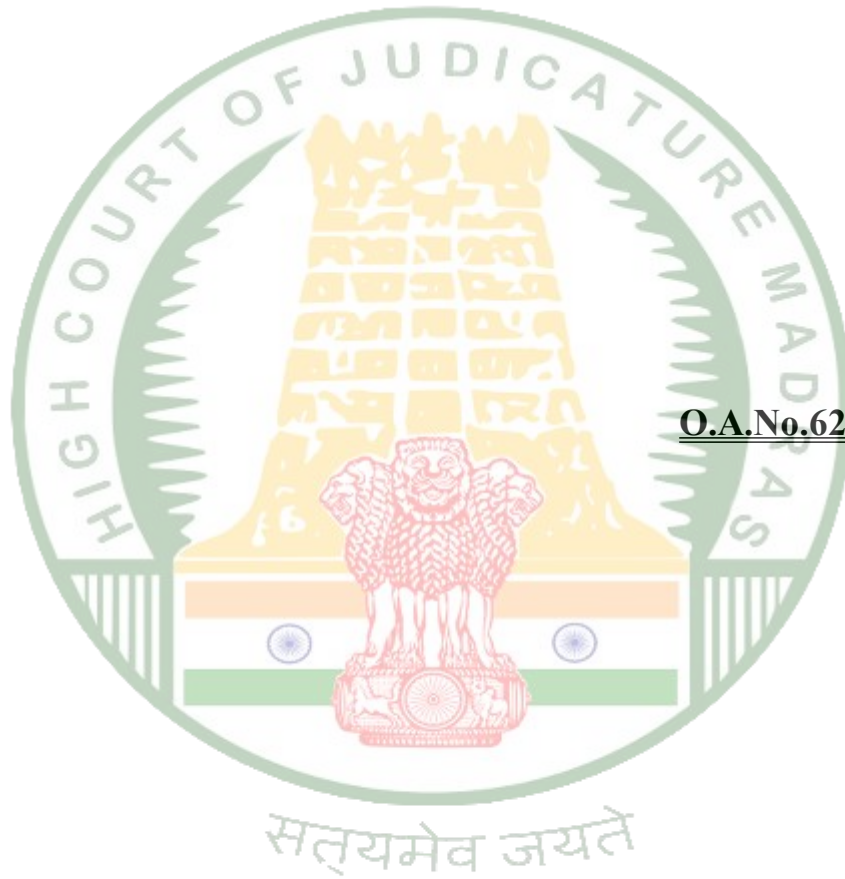
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P.T. ASHA. J.

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