

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Cont.P.No.1369 of 2019

in

O.A.No.739 of 2019

1.Irene Jose

2.Anita Thomas

3.Santosh Ukkur

4.Namita Jose

... Petitioners

Vs.

1.Daisy David

2.Usha Philimon Oommen

3.S.Abraham Muller

4.M.Mohamed Zaki

5.Fauzul Kareema

... Respondents

(Respondents 3 to 5 are Suo motu impleaded as per the order of the Court dated 05.11.2019 in Cont.P.No.1369 of 2019 and O.A.No.739 of 2019).

Prayer: The Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the wilful disobedience of the order dated 06.08.2019 passed by this Court in O.A.No.739 of 2019.

For Petitioners : Mr.R.Venkat Raman
For Respondents 1 & 2 : Mr.M.Sasikumar
For Respondent 3 : Mr.C.V.Kumar
For Respondents 4 & 5 : Mr.Mohammed Ashick
Advocate Commissioner : Mrs.Vasudha Thiyagarajan

ORDER

The third contemnor has filed an affidavit in which he has stated as follows:

“8.I further state that being 3rd respondent in this application, I will not cause any unlawful obstruction and any hindrance in the common pathway to the applicants herein for their ingress and ingress whatsoever to reach the schedule property which mentioned in O.A.No.739 of 2019.”

2. He had further orally submitted that he has an access to his property from the main road directly and that he does not require the usage of the pathway.

3. The respondents 4 and 5 who were also present physically before this Court have undertaken that they will not obstruct the ingress and ingress of the petitioners in the pathway in any manner.

4.The respondents 3, 4 and 5 have filed a Joint Memo stating that they are ready to submit to arbitration. They also agreed to have Mrs.Chitra Sampath appointed as the arbitrator to adjudicate the dispute between the parties. With regard to O.A.No.739 of 2019, the parties shall maintain status quo until further orders.

5. In view of the above this Court is passing the following order:

i) Mrs.Chitra Sampath, Senior Advocate, No.14/1, Kamatchipuram 1St, West Mambalam, Chennai – 600 033, Mob:9962085956, has been appointed as the arbitrator, with consent to arbitrate the dispute between the parties regarding the pathway.

ii) The 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 entering reference. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The arbitrator is at liberty to fix the 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 parties shall bear their own costs in the arbitral proceedings.

6. In view of the above, the above Contempt Petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/29/03/2021

To

1. Mrs.Chitra Sampath,
Senior Advocate/Arbitrator,
No.14/1, Kamatchipuram 1St,
West Mambalam,
Chennai – 600 033.
Mob:9962085956

2. The Additional Registrar(Vigilance-I),
High Court,
Madras.