



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 25TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No. 925 of 2017

In the matter of Arbitration &
Conciliation Act, 1996

And

In lieu of Disputes relating To
Partnership Deed Dated 19.06.2013.

Mrs. K. Lakshmi Kruba,
W/o. G.V. Krishnamurthi
No.252, Kilpauk Garden Road,
Chennai – 600 010.

... Petitioner

-Vs-

1. Mr. A.S. Ganesh Udupa,
S/o. A. Sripathi Udupa,
No.6, Chinnapa Nagar,
Karayanchavadi, Poonamallee,
Chennai – 600 056.
2. Ms. B. Sangeetha,
D/o. Babu,
No.13, Dubash Street,
Cantonment, Poonamallee,
Chennai – 600 056.
3. Mrs. B. Chitra,
W/o. A. Murali,
E-3, Police Officers Quarters,
Kamaraj Colony, T.Nagar,
Chennai – 600 017.

... Respondents



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

a) to appoint an arbitrator to adjudicate on the disputes between the Petitioner and the Respondent.

b) Award costs of the Petition.

This Original Petition coming on this day before this court for hearing in the presence of Mr. Gokulram for Ms.A.Abdul Rahman, advocates for the Petitioner herein and Mr. A. Palaniappan, Advocate for the 1st Respondent herein and upon reading the petition and the Supporting Affidavit of Mrs.K.Lakshmi Kruba filed herein and **it is ordered as follows:-**

That the Hon'ble Mr. Justice N. Kirubakaran (Retd), NB-2, Greenways Road, Raja Annamalaipuram, Chennai – 600 028, Mobile No.9445025454, 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 both the parties hereto shall bear their own costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
25TH DAY OF OCTOBER 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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ED

15.11.2021

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O.P.No. 925 of 2017

ORDER

DATED: 25.10.2021

THE HON'BLE MR. JUSTICE

N.SATHISH KUMAR

FOR APPROVAL: 16/11/2021

APPROVED ON : 16/11/2021

Copy to:

The Hon'ble Mr.Justice N.Kirubakaran
Judge, [Retd.],
Sole Arbitrator,
NB-2, Greenways Road,
Raja Annamalaipuram,
Chennai – 600 028.

Mobile No.9445025454

(With covering Letter)



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.925 of 2017

Mrs. K.Lakshmi Kruba

... Petitioner

Vs.

1. Mr.A.S.Ganesh Udupa

2. Ms.B.Sangeetha

3. Mrs. B.Chitra

... Respondents

PRAYER: Arbitration Original Petition filed under Section 11(6) of the the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate on the disputes between the petitioner and the respondent.

For petitioner : Mr. Gokulram for
Ms.A.Abdul Rahman

For respondents : M.A.Palaniappan for R1

ORDER

This original petition has been filed to appoint an Arbitrator to adjudicate the disputes between the petitioner and the respondents in terms



2. The learned Counsel appearing for the petitioner submitted that, a Partnership Deed dated 19.06.2013 was entered into between the petitioner and the respondents to run a hotel business. The name of the Partnership Firm was " GRC Enterprises " and the hotel was started in the name of and style of "Hotel Aura" by the GRC Enterprises. During the course of hotel business, dispute was arose between the parties and as per clause 18 of the Partnership Deed, both the parties agreed to settle the dispute before the Arbitrator. Hence, he prayed for appointment of Arbitrator.

3. The learned counsel appearing for the first respondent submitted that the hotel business was handed over to the husband of the petitioner namely G.V.Krishnamurthy, three years back and the entire partnership business was run only by the petitioner through her husband. Hence, his contention is that, no issues arise for reference to Arbitrator and prayed for dismissal of the petition.

4. The third respondent has no objection for appointing Arbitrator.

5. The Partnership Deed entered into between the parties is not disputed. As per Clause 18 of the Partnership Deed, they agreed for referring the dispute before the Arbitrator. The terms of Clause 18 is



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" In the event of there being any dispute between the partners, the same shall be subject to Arbitration of a sole Arbitrator to be appointed mutually by the partners. The venue of Arbitration shall be Chennai. The Award of Arbitrator shall be final and binding on the partners".

As the parties are governed by the Partnership Deed, this court is of the view that all the valid objections, whether the issues to be arbitrable or not, have to be raised before the Arbitrator. Therefore, this court is inclined to appoint an Arbitrator and it is for the respondents to raise all the legal objections before the Arbitrator.

6. Both the counsels made their consent to appoint Hon'ble Mr. Justice N.KIRUBAKARAN, (Retd.), as Sole Arbitrator. Accordingly, it is ordered as follows.

i) That Hon'ble Mr. JUSTICE N.KIRUBAKARAN(Retd.), NB-2, Greenways Road, Raja Annamalaipuram, Chennai 600 028, Mobile No.9445025454, is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] 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.



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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.

7. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J.,
25.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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