



Arb.O.P.(Com.Div.) No.140 of 2022

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C.SARAVANAN, J.

This petition has been filed under Section 11(6)(a) and (c) of the Arbitration and Conciliation (Amendment) Act, 2015 read with Rule 2 of the appointment of the Arbitrators of Madras High Court Scheme, 1996, praying for appointment of an Arbitrator to resolve the disputes between the petitioner and the respondents in terms of Clause 18 of the Deed of Partnership dated 01.04.2008.

2. There is a dispute between the petitioner and the second respondent, father and daughter in respect of the properties of the first respondent Partnership Firm.

3. The petitioner has already filed O.S.No.455 of 2019 before the Principal District Munsif Court, Alandur.

4. After filing the above suit, the petitioner herself moved Section 11 petition in Arb.O.P.(Com.Div.) No.140 of 2022.



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5. This Court taking note of the fact that the suit was pending, passed an order on 23.08.2022 by appointing Hon'ble Mr.Justice K.P.Sivasubramaniam (Retd.,) Former Judge of this High Court as the Sole Arbitrator by stating that all the issues relating to the dispute can be resolved in the Arbitration, this Court saved that the issue is pending before the Principal District Munsif Court, Alandur in O.S.No.455 of 2019.

6. It appears that the petitioner has adopted dilatory tactics before the learned Arbitrator so that the learned Arbitrator has sent a letter to the Registry requesting for being excused from the above arbitration proceedings.

7. In the light of the above development, the petitioner has now approached this Court for appointing an Arbitrator once again under Section 11(6) of the Arbitration and Conciliation Act, 1996 as admittedly the mandate of the learned Arbitrator has expired.



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8. The attempt of the petitioner is clearly abuse of the Court proceedings as there are no justifiable ground for appointing an Arbitrator at this stage after harassing the learned Arbitrator appointed by this Court. The report of the learned Arbitrator indicates the conduct of the petitioner. Be that as it may, it is noticed that the petitioner has filed O.S.No.455 of 2019 before the Principal District Munsif Court, Alandur.

9. Under these circumstances, this Original Petition is closed for the present with liberty to the petitioner to approach this Court subject to final outcome of the suit that is pending before the Principal District Munsif Court, Alandur in O.S.No.455 of 2019.

10. It is made clear both the petitioner and the respondents shall ensure that all the fees that are due and payable, including the arbitration fees to the learned Arbitrator is paid within a period of thirty days from the date of receipt of a copy of this order, failing which, appropriate action will be taken against the petitioner.



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11. List this case under the caption "For Reporting Compliance" on
27.03.2024.

29.02.2024

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