

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30/6/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.A.No.186 of 2021

K. Bharathi

...

Petitioner

Vs

1. Shri Gurusanthi Agencies
rep. By its Managing Partner
No.9 GST Road
Sothupakkam
Kanchipuram District 603 309.

2. J. Poornachandran

3. Hindustan Petroleum Corporation Ltd
rep. By its Deputy General Manager – Retail
Petro Bhavan, II Floor
No.82, TTK Road
Alwarpet
Chennai 18.

Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, r/w. Clause 2 of the appointment of Arbitrator Scheme by the appointment of Madras High Court Scheme, 1996, to appoint an independent Sole Arbitrator to adjudicate the dispute arising between the

petitioner and respondents pursuant to the Partnership Deed dated 4/6/2019.

For petitioner ... Mr.V.M.Venkataramana

For respondents ... Ms.P.Ramya
for R.R.1 and 2.

ORDER

This Original Petition has been filed to appoint an independent sole Arbitrator, to adjudicate the dispute arising between the petitioner and the respondents, pursuant to Partnership Deed, dated 4/6/2019.

2. Heard Mr.V.M.Venkataramana, learned counsel for the petitioner and Ms.P.Ramya, learned counsel for the respondents 1 and 2.

3. Partnership Deed was executed between the petitioner and second respondent on 4/6/2019 and thereafter, a Memorandum of Agreement had been executed, on 12/8/2019, between the first respondent and the petitioner as one part and third respondent as one part, changing the sole Proprietary firm into a Partnership firm.

4. It is the contention of the petitioner that license was originally granted in favour of the second respondent by the third respondent. For continuing the business, the petitioner was inducted in Partnership and invested Rs.49,000/-. However, there is a dispute between the parties in a partnership business. Hence, seeks for appointment of an Arbitrator.

5. A counter affidavit was filed on behalf of the respondents 1 and 2, wherein it is stated that the act of Hindustan Petroleum Corporation in altering Sole Proprietary Firm, which is earmarked to disabled person, into Partnership Firm, is against the Right of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

6. Parties are not disputing the agreement which they have entered into. Such view of the fact any dispute between the partners, touching the affairs of the partnership business shall be referred to an Arbitrator.

7. In view of the above, both sides have agreed to appoint Mr. Justice

K.Ravichandra Baabu, as an Arbitrator.

8. Accordingly, this original petition is ordered as follows:

i) Mr.Justice K.Ravichandra Baabu, residing at Flat 1 D, Crescent Castle Apartment, 13 Second Crescent Park Road, Gandhi Nagar, Adyar, Chennai 600 020, (Mobile No.9498033336) is appointed as an Arbitrator to enter upon reference and adjudicate the matter.

ii] The learned 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.

iii] The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed

by him and the same shall be borne by the parties
equally.

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

30/6/2021

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order

mvs.

To

Mr.Justice K.Ravichandra Babu,
Flat 1 D, Crescent Castle Apartment,
13 Second Crescent Park Road,
Gandhi Nagar,
Adyar,
Chennai 600 020.

(Mobile No.9498033336)

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N.SATHISH KUMAR,J

mvs.



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