



WEB COPY



Arb.O.P.No.45 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.Original Petition No.45 of 2021

Mr.R.Alagusundaram

... Petitioner

Versus

1.J.Megala

2.S.Vijayanirmala

3.R.Rani

... Respondent

Petition filed under Section 11(1) of the Arbitration and Conciliation Act, 1996 seeking to appoint an Arbitrator in terms of arbitration clause of the partnership deed dated 04.06.2013 to arbitrate the dispute that has arisen between the parties.

For Petitioner : Mr.J.Raja Rao

For 3rd Respondent: Mr.C.Jagadish

ORDER

This petition is filed under Section 11 (1) of the Arbitration and Conciliation Act, 1996, seeking for appointment of a sole Arbitrator in terms of the Arbitration Agreement contained in the partnership deed



Arb.O.P.No.45 of 2021

dated 04.06.2013 entered into between the petitioner and the respondents.

WEB COPY

2. The learned counsels appearing for the respective parties in this petition have no objection for appointment of an Arbitrator by this Court as they admit the existence of an arbitration agreement is the partnership deed dated 04.06.2013.

3. The petitioner had earlier sent a notice dated 10.08.2021 calling upon the respondents to give their consent for appointment of an Arbitrator. As there is no consensus, this present petition has been filed. As there is an arbitration agreement under the partnership deed dated 04.06.2013 and there is a dispute amongst the parties, this Court will have to necessarily appoint an Arbitrator for the purpose of adjudication of the dispute between the parties. The aforementioned partnership agreement dated 04.06.2013 contains an Arbitration Clause, which is extracted hereunder:-



WEB COPY



Arb.O.P.No.45 of 2021

“ ARBITRATION: In case any difference of opinion arises among the partners a body or arbitrators shall be constituted and their decision shall be binding on the firm and the partners, in accordance with the provisions of the Indian Arbitration Act, 1940.”

4. Accordingly, this Court appoints Mr.V.P.Raju, Advocate having office at AD-19, 5th Avenue, Annanagar, Chennai-40 (Mobile No:9444080808) as sole Arbitrator to decide the dispute between the parties arising out of the partnership agreement dated 04.06.2013.

5. The sole Arbitrator, appointed by this Court, is directed to act upon the reference and issue notice to both the parties and fix the date of hearing and thereafter proceed with the arbitration and pass an arbitral award on merits and in accordance with law.



WEB COPY



Arb.O.P.No.45 of 2021

ABDUL QUDDHOSE, J

sr/ab

6. The Arbitrator shall fix his remuneration as per the schedule of fees prescribed under the Arbitration and Conciliation Act, 1996.

27.01.2022

sr/ab

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

Arb.O.P.No.45 of 2021