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Arb.O.P.(Comm.Div.) No.431 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Arb.O.P.(Comm.Div.) No.431 of 2022

M/s.Shriram City Union Finance Limited
Represented by its Authorised Signatory
Ms.Navinaa.P.N.
A Company having its Branch office at:
No.12, Ramaswamy Street, T.Nagar
Chennai-600 017.

... Petitioner

VS.

1.Mr.Gunasekaran.P.C
Son of Mr.Chellamuthu

2.Mrs.Malathi.G
W/o.Mr.Gunasekaran
Both at No.722/2, M.H.Road
Manellore, Thiruvallur-601 202.

... Respondents

PRAYER: Arbitration Original Petition filed under Section 15(2) of the Arbitration and Conciliation Act, 1996.



(a) Substitute the arbitrator appointed by the petitioner by appointing any fit and competent person as an Arbitrator so as to adjudicate the claim and the dispute between the petitioner and the respondents under the Loan agreement dated 30.06.2017;

(b) Direct the respondents to pay the cost of the petition ; and

(c) Pass such further or others orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.

For Petitioner : Mr.R.Uma Shankar

For Respondents : M/s.N.Nithaandam
Mr.A.Jayaraman

ORDER

The petitioner seeks substitution of the arbitrator in view of the recusal of the arbitrator.

2.The respondents availed of credit facilities from the petitioner. Since a dispute arose in relation thereto, the petitioner issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996 and invoked the arbitration clause. The petitioner also proceeded to appoint an arbitrator. After objections were raised by the respondents with regard to the arbitrator



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appointed by the petitioner, the said arbitrator recused by issuing communication dated 02.02.2022. The present petition is filed in the said facts and circumstances.

3.Learned counsel for the respondents states, on instructions, that he has no objection to the appointment of a substitute arbitrator by this Court.

4.In the above facts and circumstances, Arb.O.P.(Comm.Div.) No.431 of 2022 is allowed by appointing Ms.Chitra Narayan, Advocate, (Mobile No.9094031934) as the sole arbitrator. The sole arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in relation to the arbitral proceedings shall be fixed by the arbitral tribunal in consultation with the parties.

12.10.2022

kp

Index : Yes / No

Internet : Yes / No

SENTHILKUMAR RAMAMOORTHY,J



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