



WEB COPY



Arb.O.P.(Comm.Div.) No.398 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Arb.O.P.(Comm.Div.) No.398 of 2022

M/s.Johnson Lifts Private Limited,
Rep. by its Authorized Signatory,
Mr.Rose Blessed King
No.1, East Main Road,
Anna Nagar West Extension,
Chennai - 600 101.

... Petitioner

VS.

M/s.KJD Pharma Private Limited
No.9-7-121, First Floor,
Eastern Side, Venkatadri,
Gandhi Gunj, Bidar,
Karnataka - 585 401.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6)(b) of the Arbitration and Conciliation Act, 1996, pleased to appoint an arbitrator to adjudicate the disputes that have arisen between the petitioner and the respondent under the said contract.



WEB COPY



Arb.O.P.(Comm.Div.) No.398 of 2022

For Petitioner : Mr.Benjamin E Moses
for M/s.A.R.Karunakaran

ORDER

The petitioner seeks the constitution of an arbitral tribunal to resolve the dispute between the petitioner and the respondent.

2. A work order dated 04.11.2016 was executed by the petitioner and the respondent. The said work order pertains to the supply, erection, testing and commissioning of elevators. The applicant cites the arbitration clause contained therein. The said clause is set out below:

"Arbitration: In case of any dispute between us, the matter shall have to be settled by arbitration in Chennai by an Arbitrator appointed by Johnson Lifts and Courts in Chennai city shall have exclusive jurisdiction."



3. The petitioner was permitted to serve notice on the site address of the respondent by order dated 29.09.2022. An affidavit of service was filed and the track consignment report was annexed thereto. The said report shows that notice was served on the respondent on 11.10.2022. By order dated 18.10.2022, service of notice on the respondent was recorded and the Registry was directed to print the name of the respondent on the cause list. In spite of doing so, there is no representation for the respondent today. In the circumstances, the matter is proceeded with in the absence of the respondent.

4. The arbitration clause, extracted above, prescribes dispute resolution through arbitration. It also provides that the arbitral proceedings shall be held in Chennai. The petitioner has placed on record the Section 21 notice dated 17.11.2021 and proof of receipt thereof by the respondent. In these circumstances, the petitioner is entitled to succeed in this petition.

5. Therefore, Arb.O.P.(Comm.Div.) No.398 of 2022 is allowed by appointing Mr.M.V.Swaroop, Advocate, No.17/5, Krishna Street, T.Nagar,



Arb.O.P.(Comm.Div.) No.398 of 2022

SENTHILKUMAR RAMAMOORTHY,J

WEB COPY

rna

Chennai - 17, Mobile No.9003263741 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 may be fixed by the arbitral tribunal in consultation with the parties.

01.11.2022

rna

Index : Yes / No

Internet : Yes / No

Arb.O.P.(Comm.Div.) No.398 of 2022