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Arb.O.P.(Com.Div.) No.121 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.121 of 2023

M/s.Rambal Limited,
represented by its Director
V.S.Vaidyaraman

... Petitioner

Versus

M/s.Arvaauto E-Com Pvt. Ltd.,
represented by its Managing Director
Vignesh Mohan

... Respondent

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator and direct the Arbitration Proceedings to commence.

For Petitioner : Mr.N.Sharma

For Respondent : Mr.K.K.Vijay Vigneshwar

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator by this Court.



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ABDUL QUDDHOSE, J.

vga

2.A counter affidavit has been filed by the respondent stating that there is no Arbitration Agreement between the parties under the Agreement for Closure of Memorandum of Undertaking dated 31.03.2022, which was subsequent to the Memorandum of Undertaking dated 12.07.2020, which contained an Arbitration Clause.

3.Learned counsel for the petitioner has made an endorsement in the Court Bundle stating that liberty may be granted to file a Civil Suit against the respondent for recovery of the outstanding dues payable to the petitioner by the respondent. The said endorsement is recorded.

4.Accordingly, this petition is disposed of by granting liberty to the petitioner to file a Civil Suit against the respondent seeking for recovery of outstanding sums due and payable to the petitioner together with interest and costs.

04.08.2023

vga

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