



ARB.O.P.NO.97 OF 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

ARB.O.P.NO.97 OF 2023

R.Venkatachari

. . . Petitioner

VS.

1.M/s.R.S.Building Promoters
No.49-2/3, Thirunagar 1st Cross,
Karumandapam,
Tiruchirappalli – 620 001.

2.Hon'ble Retired Mr.Justice Nazir Ahmed
No.7, 4th Cross, Banker Colony,
Kumaran Nagar,
Tiruchirappalli – 620 017.

. . . Respondents

PRAYER : Petition filed under Sections 14(1)(a) and 14(2) read with Sections 15(2), 11(6) and 11(8) of the Arbitration and Conciliation Act, 1996 to terminate the mandate of the second respondent Mr.Nazir Ahmed, the Sole Arbitrator and consequently substitute the second respondent with an independent and impartial Sole Arbitrator to adjudicate the disputes between the parties.

For Petitioner : Mr.B.Prashanth Nadaraj

For Respondent-1 : Mr.K.Sathish Kumar



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ORDER

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This Arbitration Original Petition has been filed to terminate the mandate of the second respondent Hon'ble Retired Mr. Justice Nazir Ahmed, the Sole Arbitrator and consequently substitute the second respondent with an independent and impartial Sole Arbitrator to adjudicate the disputes between the parties.

2.The learned counsel for the petitioner submits that the Sole Arbitrator appointed by this Court vide order dated 06.12.2018 in O.P.No.770 of 2016, second respondent herein, passed away on 24.02.2023. He further submits that the proceedings were commenced already before the Sole Arbitrator appointed by this Court and witnesses have been cross examined and copies of the proceedings have been served to the parties.

3.Since the material evidence is already come on record, this Court is of the view that a new Arbitrator may be appointed and shall commence the proceedings from the stage where the then Arbitrator left the proceedings.



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4.In such view of the matter, considering the nature of the dispute, this Court is inclined to terminate the mandate of the Sole Arbitrator / the second respondent herein, appointed by this Court vide order dated 26.10.2018 in O.P.No.770 of 2016 and accordingly, it is ordered as follows:

i) That Thiru.T.M.Pappiah, Advocate, having office at No.276, New Additional Law Chambers, High Court Campus, Chennai – 600 104, Mobile No.9444369569 is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter from the stage where the previous Arbitrator has left since the copies of the proceedings are available with the parties.

ii] That the learned Arbitrator appointed herein, shall complete the proceedings and pass an award as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order.



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iii] That the learned Sole Arbitrator appointed herein

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shall be paid fees as per the schedule and the same shall be borne by the parties equally.

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

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Index : Yes / No

Neutral Citation: Yes/No

Speaking/Non-speaking order

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N.SATHISH KUMAR, J.

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