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Arb.O.P.(Com.Div.) No.167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.167 of 2023

Jayashree

... Petitioner

Versus

S.Pradeep

... Respondent

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate the dispute between the petitioner and the respondent in terms of Memorandum of Understanding (MOU) dated 09.05.2012.

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge

For Respondent : Mr.R.Sivakumar

ORDER

Learned counsel for the petitioner has made an endorsement in the Court Bundle stating that since this Court has expressed its prima facie view that the present dispute is not an Arbitrable Dispute due to the fact that



Arb.O.P.(Com.Div.) No.167 of 2023

earlier the petitioner had initiated Arbitration Proceedings pursuant to the very same agreement, which contains Arbitration Clause and in the said Arbitration, the claim was rejected, the petitioner seeks liberty of this Court to file a Civil Suit seeking for the reliefs sought for in the Arbitration Claim arising out of this petition. The endorsement made by the learned counsel for the petitioner, on instructions, is recorded.

2.Learned counsel for the petitioner also seeks exclusion of the period spent by the petitioner in this petition, namely, from the date of filing of this petition till today as the period to be excluded for the purpose of Section 14 of the Limitation Act.

3.This petition has been filed on 30.03.2023 and has been disposed of today. After recording the endorsement made by the learned counsel for the petitioner, this petition is disposed of by granting liberty for the petitioner to file a Civil Suit for the reliefs sought for in the Arbitration Claim, which has resulted in the filing of this petition and the period spent by the petitioner in



Arb.O.P.(Com.Div.) No.167 of 2023

this proceeding is excluded under Section 14 of the Limitation Act.

WEB COPY

27.07.2023

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Index:Yes/No

Speaking/Non-speaking orders



WEB COPY



Arb.O.P.(Com.Div.) No.167 of 2023

ABDUL QUDDHOSE, J.
vga

Arb.O.P (Com.Div.) No.167 of 2023

27.07.2023