



ARB.O.P.NO.33 OF 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

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i2global Virtual Learning Pvt. Ltd.,
#21, BV Avenue, MCN Nagar,
Thoraipakkam,
Chennai, Tamil Nadu – 600 097.
Rep. By its Director Mr.Krishnakumar

. . . Petitioner

VS.

1.M/s.Virksha Academy
Old No.82, New No.58/1,
Sthithi Square, 3rd Floor,
Pankja Mills Road, Ramanathapuram,
Coimbatore – 641 045.
Email: vrikshaacademycbe@gmail.com

2.Smt.Suganya Sriram
a.Old No.82, New No.58/1,
Sthithi Square, 3rd Floor,
Pankja Mills Road, Ramanathapuram,
Coimbatore – 641 045.

b.51—1, 50 feet road,
Krishnasamy Nagar, Ramanathapuram,
Coimbatore – 641 045.
Email: suganyasriram81@gmail.com



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3.Smt. Abirami

a.Old No.82, New No.58/1,
Sthithi Square, 3rd Floor,
Pankja Mills Road, Ramanathapuram,
Coimbatore – 641 045.

b.HA19, Housing Unit,
Ganapathy,
Coimbatore – 641 006.
Email: omaaa7@gmail.com

. . . Respondents

PRAYER : Petition filed under Section 11(4) and (6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator on behalf of the respondents to adjudicate upon the disputes between the petitioner and the respondents in terms of the arbitration clause in the Franchise Agreement dated 24.02.2021.

For Petitioner : Mr.N.Nithyavendhan K.
For Respondent-2 : Mr.B.Vijayakumar

ORDER

This Arbitration Original Petition has been filed for appointment of an Arbitrator to resolve the dispute arising out of the Franchise Agreement dated 24.02.2021 between the petitioner and the respondents.

2.Counter affidavit has been filed by the second respondent to the



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effect that the petitioner has not signed in all pages of the Franchise Agreement. It is relevant to note that the respondents have signed in all pages of the Franchise Agreement. Now it is contended that the Agreement itself is clearly indicate that any dispute or controversy arising out of the Agreement shall be settled by arbitration and it is also submitted that the Arbitral Tribunal has to be comprised of three Arbitrators, one each appointed by each party and the third arbitrator shall be appointed by the two arbitrators appointed by the parties.

3.Heard the submissions made on either side and perused the entire materials available on record.

4.Considering the nature of the dispute and the same is only with regard to the payment of Rs.1,00,000/-, this Court is inclined to appoint a Sole Arbitrator, which has been agreed on either side. Accordingly, it is ordered as follows:

i) That Mr.K.S.Navin Balaji (Enrollment No.



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No.2010/15) Advocate, having office at 39, Law Chambers,
High Court Buildings, Chennai – 600 104, Mobile
No.9840166608 is appointed as a Sole Arbitrator to enter
upon reference and adjudicate the matter.

ii] That the learned Arbitrator appointed herein, shall
after issuing notice to the parties and upon hearing them, pass
an award as expeditiously as possible, preferably within a
period of six months from the date of receipt of this order.

iii] That the learned Sole Arbitrator appointed herein
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.

13.10.2023

Index : Yes / No
Neutral Citation: Yes/No
Speaking/Non-speaking order



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N.SATHISH KUMAR, J.

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