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Arb.O.P.No.6 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17..10..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Arb.O.P.No.6 of 2022

1.Sambangiraman K,
Son of Kannan,
3/453-3, Kothur,
Addakurukki,
Kamandoddi, Hossur,
Krishnagiri District-635109.

2.Saroja. S,
W/o Sambangiraman,
D.No.4/7, Durga Nagar,
1st Cross Hosur Town,
Krishnagiri District-635 109.

..... Petitioners

-Versus-

1.M/s.Shriram Transport Finance Co. Ltd.,
Rep. by its Branch Manager P.Sabari,
Having its Branch Office at 1st Floor,
S.No.696/3, Srisai Ramgi Complex,
NGO Colony, Bagalur Main Road,
Hosur, Krishnagiri-635109.

2.Mr.S.Jeganathan,
Sole Arbitrator,
No.2, HIG-1, 2nd Floor,
Mullai Nagar, Near Indian Bank,
Rayakottai Main Road,
Hosur, Krishnagiri-635109.

..... Respondents



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Petition filed under Sections 11(6) & 14 and 15 of the Arbitration and Conciliation Act, 1996 praying to terminate the mandate of the 2nd respondent / Sole Arbitrator-S.Jaganathan appointed by the 1st respondent and declare as void ab initio and consequently appoint an independent and impartial Sole Arbitrator to adjudicate the claims between the petitioners and the 1st respondent arising out of the Loan Agreement dated 29.12.2016 and to direct the 1st respondent to pay costs.

For Petitioner(s) : Mr.K.Subbu Ranga Bharathi

For Respondent (s) : Mr.M.Peer Mohamed for R1

ORDER

This Original Petition has been filed praying to terminate the mandate of the 2nd respondent / Sole Arbitrator-S.Jaganathan appointed by the 1st respondent and declare as void ab initio and consequently appoint an independent and impartial Sole Arbitrator to adjudicate the claims between the petitioners and the 1st respondent arising out of the Loan Agreement dated 29.12.2016.

2. According to the petitioners, despite objections, the 2nd respondent was appointed as the Sole Arbitrator unilaterally by the 1st respondent which is not valid in the eye of law. Hence, the present original petition.



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3. The learned counsel for the petitioners submitted that any one of the Advocates practising in Madras High Court may be appointed in the place of the 2nd respondent.

4. The learned counsel for the 1st respondent had no serious objection for appointment of any one of the Advocates as Sole Arbitrator as suggested by the petitioners to adjudicate upon the disputes / differences between the petitioners and the 1st respondent.

5. Considering the above facts and circumstances and in the light of the submissions made on either side, it is ordered as follows:

i] that Mr.Chevanan Mohan, Advocate, No.108, Armenian Street, Catholic Centre, Chennai -600001, Mobile No.98400 29865 is appointed as an Arbitrator to enter upon reference and adjudicate the matter as against the first respondent alone.

ii] That the learned Arbitrator appointed herein, shall after issuing notice to the first and upon hearing them, pass an award as expeditiously as possible,



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preferably within a period of six months from the date of receipt of the Order.

iii] That fees of the learned Arbitrator shall be fixed as per the Schedule and the same shall be borne by the parties equally.

This Original Petition is ordered accordingly as against the first respondent, leaving the parties to bear their own costs. As far as the second respondent is concerned, this Original Petition is dismissed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.Mr.C.Mohan, Advocate,
M/s.King and Partridge Advocates & Solicitors,
2nd Floor, Catholic Centre,
108, Armenian Street,
Chennai -600001,



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N.SATHISH KUMAR.J.,
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