



A. No.3235 of 2023

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in
Arb. O.P.(Com Div) No.554 of 2022

ABDUL QUDDHOSE, J.

The applicants seek clarification of an earlier order, dated 08.02.2023 passed by this Court, wherein this Court had appointed Hon'ble Dr.Justice M.Jaichandran (Retd.) as the sole Arbitrator to decide the dispute between the parties.

2. As seen from the affidavit filed in support of this application, the applicants state that the applicants and the respondents have agreed only for the appointment of Hon'ble Mr.Justice N.Kirubakaran (Retd.) to be the Arbitrator to decide the dispute between the parties, in place of the earlier Arbitrator, Sri Yasod Varadhan, learned Senior Counsel. But according to the applicants by inadvertence a mistake had crept in the order dated 08.02.2023 passed by this Court, wherein, the name of the sole Arbitrator has been wrongly mentioned as Hon'ble Dr.Justice M.Jaichandran (Retd.), whereas the name should read as Hon'ble Mr.Justice N.Kirubakaran (Retd.).

3. The learned counsel appearing for the respondents has also agreed to the submissions made by the learned counsel for the applicants



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and has no objection for allowing this application by clarifying the earlier order dated 08.02.2023.

4. The learned counsel for the applicants has also produced an order passed by the Arbitrator Hon'ble Dr. Justice M.Jaichandran (Retd.) on 05.05.2023 in the Arbitral Proceedings, in which he has terminated the Arbitral Proceedings due to the non co-operation of the parties to the dispute. He has also recorded the fact that the learned counsel appearing for the claimant had informed him through a telephonic conversation that the claimant has moved this Court by filing an application seeking for change of the Arbitrator.

5. Only after recording all those facts, Hon'ble Dr. Justice M.Jaichandran (Retd.), the Arbitrator appointed by this Court, under his order dated 08.02.2023 has terminated the Arbitral Proceedings. Both the learned counsels have now made an endorsement in the Court bundle on instructions that the parties to the dispute viz., the applicants as well as the respondents are agreeable for the appointment of Hon'ble Mr.Justice N.Kirubakaran (Retd.) of this Court as the sole Arbitrator to decide the dispute between the parties arising out of the Partnership Deed, dated 05.04.1996. In terms of the endorsement, the order dated 08.02.2023 passed in Arbitration O.P. (Comm. Div.) No.554 of 2022 is



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hereby clarified / modified by passing the following order :

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a) Hon'ble Mr.Justice N.Kirubakaran (Retd.), a former Judge of this Court having office at No.36, 2nd cross street, Rayala Nagar, Ramapuram, Chennai - 600 089, is appointed as the sole Arbitrator to adjudicate the dispute between the applicants and the respondents arising out of the Partnership Agreement, dated 05.04.1996.

b) The Arbitrator shall be paid his remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996.

c) Both the parties shall equally share the Arbitrator's fees.

d) The Arbitrator shall pass the Arbitral Award, within the stipulated time as prescribed under the Arbitration and Conciliation Act, 1996 by adhering to all the provisions of the said Act.

As per the aforesaid terms, this application is disposed of.

06.07.2023

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ABDUL QUDDHOSE, J.

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