



O.A.No.420 of 2023

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Krishnan Ramasamy, J.,

This Original Application is filed to grant an order of interim injunction, restraining the respondent, his men, or agent from any way disturbing the possession of the premises, bearing Plot No.5, New Door No.133 (12) Pasumpon Muthuramalingam Road (Chamiers Road) Chennai, 600 035, taken by the Partnership Firm Rapture Ventures under the lease deed, dated 24.08.2022, registered as Doc.No.1566 of 2022, in the Office of Joint Sub-Registrar I, Chennai Central.

2. Heard Mr.V.P.Senguttuvel, learned Senior Counsel for the applicant and Mr.Harish Chowdhary, learned counsel for the respondent and perused the records.

3. The learned Senior counsel for the applicant submitted that though the applicant has filed this Application seeking for order of interim injunction, the learned Senior Counsel submitted that the applicant would be satisfied if this Court pleased to refer the matter before an Arbitrator appointed by this Court, as, in terms of clause 16.6 of the partnership agreement, dated 22.02.2022, entered into between the applicant and the respondent, the dispute can be sorted out through Arbitral Tribunal. In this connection, it is useful to refer to clause 16.06 of the agreement, dated 22.02.2022, which is extracted hereinbelow:-



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“Any dispute arising through or under this Deed, including its interpretation or validity thereof, shall be resolved by a sole arbitrator in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as amended from time to time. The appointment of the Sole Arbitrator shall be upon mutual consent of the parties failing which the same shall be done as per the provisions of the Arbitration and Conciliation Act, 1996, as amended. The seat and venue of such arbitration shall be Chennai, India. This Deed shall be construed in accordance with the laws of the Republic of India. The Courts at Chennai shall have exclusive jurisdiction over any matter in respect of this Deed. ”

4. The learned counsel for the respondent is agreeable for such course being adopted.

5. In view of the above submission made by both the parties, as this Court, sitting under Section 11 of the Arbitration and Conciliation Act, 1996, having conferred with such power, is inclined to refer the matter before the Sole Arbitrator appointed by this Court by considering the request made by the parties. Therefore, this Court pass orders appointing Sole Arbitrator to adjudicate the dispute between the parties on the following terms:-

(i) **Mr.K.Surendranath, Advocate, having Office at No.256/3,**



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Pioneer Colony, Anna Nagar (W) Extn, Chennai – 600 101, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) 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 the Order. The learned Arbitrator is also directed to decide the matter without influenced by any of the observations made by this Court in the present order.

iii) The learned Arbitrator is requested to conduct arbitration proceedings in accordance with the Madras High Court Arbitration Proceedings Rules, 2017 and the fee of the learned Arbitrator shall be fixed in accordance with Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees), Rules 2017.

iv) In the event of non-appearance of the respondents/petitioners herein, the petitioner/respondents herein shall bear the entire remuneration and other expenses and thereafter, the petitioner/respondents can recover the same directly from the respondents/petitioner herein.

v) Since this Court has appointed an Arbitrator, it is open to the



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petitioner as well as the respondents herein to seek other reliefs under the provisions of Arbitration and Conciliation Act 1996 before the learned Arbitrator.

vi) Since it is urged by the learned Senior Counsel for the applicant to fix an early date of hearing in the matter by the learned Arbitrator, it is upto the learned Arbitrator to fix a date of hearing at his convenience, however, it shall not be later than 07.07.2023.

vii) Since this Court has already granted an interim order on 28.04.2023, the same shall stand continued until further orders to be passed by the Arbitrator or in case, the parties seeks any modification of the said interim order, they are at liberty to approach the Learned Arbitrator seeking for such modification or any other reliefs under the provisions of Arbitration and Conciliation Act 1996.

6. This Original Application is closed.

30.06.2023

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Note : Issue Order copy on 03.07.2023

Krishnan Ramasamy, J.,



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