



A. No.3548 of 2023 in O.P. No.494 of 2019

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ABDUL QUDDHOSE, J.

M/s.iPositive,
represented by its Chief Operation Officer/
Authorised Signatory
Karthikeyan R.Shah

... Applicant

Vs.

M/s.Venper Academy,
represented by its Proprietor
J.Satheesh Kumar

... Respondent

This application has been filed under Section 15(2) of the Arbitration and Conciliation Act, 1996 seeking to substitute the Arbitrator.

2. There seems to be a dispute between the applicant and the respondent arising out of the Partnership Deed dated 20.08.2017. There is an Arbitration Clause available in the Partnership Deed dated 20.08.2017. Earlier, the applicant had filed the above Original Petition under Section 11 of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator. This Court, by its order dated 30.07.2019, appointed Hon'ble Mr. Justice P. Shanmugam, Former Judge of this Court



as the Arbitrator to adjudicate the dispute between the parties. Hon'ble Mr. Justice P. Shanmugam, Former Judge of this Court, the Arbitrator acted upon the reference.

3. It is now informed by the learned senior counsel for the applicant that Hon'ble Mr. Justice P. Shanmugam, Former Judge of this Court, the Arbitrator died on 13.12.2022 and that the arbitration is in the argument stage.

4. The applicant now seeks for substitution of the Arbitrator due to the death of Hon'ble Mr. Justice P. Shanmugam, the Arbitrator earlier appointed by this Court under Section 11 of the Arbitration and Conciliation Act.

5. Notice in this application has also been duly served on the respondent and the name of the respondent is also printed in the cause list today. However, none appears on their behalf. Therefore, the respondent is set exparte by this Court.



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6.Necessarily, an Arbitrator will have to substitute in the place of the earlier Arbitrator, who is now no more.

7.For the foregoing reasons, this application is allowed as prayed for by issuing the following directions:

(a)This Court appoints Mr.Anirudh Krishnan, Advocate, having Office at "Madhumalathi", No.20, Old No.59, Seethammal Colony Alwarpet, Chennai 600 018 (Mobile No.7299088824) as the Sole Arbitrator to decide the dispute between the applicant and the respondent arising out of the Partnership Deed dated 20.08.2017, on merits and in accordance with law.

(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.



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(d)The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

07.09.2023

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