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ARB.O.P.NO.50 OF 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

ARB.O.P.NO.50 OF 2022

I Two Company
Represented by its Proprietor named Z.R.Anand
D.No.863/2, Thiruchy Road,
Ramanathapuram, Coimbatore – 45.

. . . Petitioner

VS.

Mugundarajan

. . . Respondent

PRAYER : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, to appoint an arbitrator to adjudicate the dispute between the petitioner and the respondent in terms of the arbitration agreement dated 08.03.2021 and to direct the respondent to pay costs.

For Petitioner : Mr.M.Saravanakumar

For Respondent : No appearance



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ORDER

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This Arbitration Original Petition has been filed for appointment of an Arbitrator to resolve the dispute between the petitioner and the respondent in terms of the Arbitration Agreement dated 08.03.2021.

2.A perusal of the Memorandum of Understanding dated 08.03.2021 executed between the parties makes it clear that if any dispute arising in the business understanding shall be referred for arbitration. The petitioner herein is ready to refer the dispute to the Arbitrator and since the Memorandum of Understanding is in existence, this Court is of the view that a Arbitrator may be appointed to resolve the disputes between the parties.

3.Despite service of notice, the respondent has not chosen to appear before this Court either in person or through counsel.

4.Considering the nature of the dispute and the same is only with regard to the payment of Rs.5,00,000/-, this Court is inclined to appoint a Sole Arbitrator. Accordingly, it is ordered as follows:



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i] That Mr.B.Jagannath, Advocate, having office at No.239, New Additional Law Chambers, Madras High Court Campus, Chennai – 600 104 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, within the time framed as stipulated under the Act;

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.

07.11.2023

Index : Yes / No
Neutral Citation: Yes/No
Speaking/Non-speaking order
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N.SATHISH KUMAR, J.

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