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Arb.O.P.No.46 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.O.P.No.46 of 2022

1.T.C.Purushothaman
2.P.Swetha

. . . Petitioners

Versus

1.Manager/Incharge,
Dwaraka Grand Palace, Basis Foundation,
No.63, 1st Seaward Road,
Valmiki Nagar, Thiruvanmiyur,
Chennai – 600 041.

2.Dwaraka Grand Palace,
Basis Foundation,
No.63, 1st Seaward Road,
Valmiki Nagar, Thiruvanmiyur,
Chennai – 600 041.

. . . Respondents

PRAYER: Petition filed under Section 11(13) of Arbitration and Conciliation Act, 1996 to appoint an arbitrator to resolve the dispute that have arisen and exists between the petitioners and the respondent based on terms and condition vide final receipt/agreement dated 06.02.2021



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For petitioners : Mr.U.Karunakaran

For respondents : Mr.Sharath Chandran

ORDER

This Original Petition has been filed for appointment of an arbitrator to resolve the disputes arising out of the Agreement dated 06.02.2021 between the petitioner and the respondents.

2. When the matter came up before this Court in the last hearing, it was stated that the dispute has narrowed down to the quantum and the same could be resolved if referred to mediation. Accordingly, the matter was referred to mediation. However, nothing fruitful has happened in the mediation. Hence, the matter is once again listed before this Court.

3. As the parties are bound by the terms and conditions with regard to the booking, the terms stipulate that any dispute between the customer and the management arising from or in relation to any hiring of premises from the Terms and Conditions of Hire shall be submitted to arbitration by a



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person appointed by the management and the decision of the arbitrator shall be binding on the customer and the management. Hence, the parties are bound by the decision to be taken by the arbitrator.

4. Considering the above facts and circumstances, this Court is inclined to observe as follows:

i] that Mr.S.Mahesh Kumar, Advocate, Enrolment No.1379/2009, New No.11, Old No.6, 3rd Avenue, Besant Nagar, Chennai - 600090, Mobile No.9566072212 is appointed as an Arbitrator to enter upon reference and adjudicate the matter.

ii] That the learned Arbitrator appointed herein, shall after issuing notice to 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.



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

5. This Original Petition is allowed accordingly leaving the parties to bear their own costs.

05.10.2023

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order
hvk

To

Mr.S.Mahesh Kumar,
Advocate, Enrolment No.1379/2009,
New No.11, Old No.6, 3rd Avenue,
Besant Nagar, Chennai - 600090.



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N. SATHISH KUMAR, J.

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