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Arb.O.P.(Com.Div.)No.415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.415 of 2023

C.Vasudevan

... Petitioner

Vs.

1.S.Senthil Kumar

2.M.Sivakumar

3.T.Sivakumar

4.P.Venkatesan

... Respondents

Prayer: Original Petition is filed under Section 11(6)(A) and (C) of the Arbitration and Conciliation Act, 1996 read with Rule 2 of the Appointment of Arbitrators of Madras High Court Scheme, 1996, praying to appoint an Arbitrator preferably being a retired District Judge having the Arbitration seat at Chennai to adjudicate all the disputes that have arose between the petitioner and the respondents herein in respect of the Partnership Deed dated 02.04.2017 executed between themselves direct the respondents to pay the cost of this petition.

For Petitioner

: Mr.K.R.Samratt

For R1

: Mrs.Kalyani Kailasam

For R2 to R4

: Mr.T.Sai Krishnan



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ORDER

The learned counsel for the petitioner, learned counsel for 1st respondent and the learned counsel for respondents 2 to 4 also consent for conduct of Arbitral Proceedings through Video Conferencing.

2. With the consent of the learned counsel for the petitioner and the respondents, **Hon'ble Thiru. Justice A.M.BASHEER AHAMED, Former Judge, Madras High Court, (Mobile No: 94440 94412; 94431 55752) residing at No.C-2, 3rd Floor, Sree Sapthagiri Apartment, Chinna Kollapatti, Yercaud Main Road, Salem - 8**, is appointed as an Arbitrator to enter upon reference and adjudicate/resolve the *inter se* disputes between the parties.

3. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.



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4.The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

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

6.Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

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arb / krk

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No



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