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Arb.O.P. (Com.Div.) No.500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.500 of 2023

M/s.Mishri Enterprises

Represented by its Proprietor C.S.Kishan

S/o.Late S.Chain Raaj Jain,

No.27, Co-operative Colony,

Alwarpet, Chennai – 600 018.

.. Petitioner

Vs.

M/s.Riyanshi Cinemas

Represented by its Proprietor Naresh Jain

No.12/3, 1st Main Street, 2nd Cross Street,

Nateshan Nagar, Virugambakkam,

Chennai – 600 095.

.. Respondent

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint and nominate an Arbitrator to resolve the dispute arising out to Finance Agreement dated 29.07.2022 entered into between the Petitioner and the said Naresh Jain Proprietor: M/s.Riyanshi Cinemas Films by referring the dispute to Arbitration.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : Mr.N.Kesavaraj for
Mr.R.Dhanasekaran



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ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

2. Mr.N.Kesavaraj for Mr.R.Dhanasekaran, learned counsel for the respondent appears and submits that he has no objection for appointing an Arbitrator.

3. Both the parties consent for appointment of Mr.R.Venkataraman, Senior Advocate, as an Arbitrator to resolve the dispute between the parties.

4. The parties are at liberty to workout the venue for Arbitration at Chennai.

5. Although no vakalat has been filed, Court is inclined to pass the following order:-



(i) **Mr.R.Venkataraman, Senior Advocate, (Mobile No.:98408**

60062) residing at **No.31, 4th Main Road, R.A.Puram, Chennai – 600**

028, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) 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.

(iii) 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



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other incidental charges to the Arbitrator and later recover the same from the respondents.

6.The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

7. Since the Court has appointed an 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.

28.11.2023

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



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C.SARAVANAN, J.

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