



Arb.O.P.(Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.368 of 2023
and O.A. No.314 of 2023

M/s.PKR Estates LLP,
represented by its Managing Partner
R.Prassannakumar

... Petitioner

Versus

1.R.Ranganathan
2.B.Ramu
3.R.Ambuja

... Respondents

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to pass an order appointing a Sole Arbitrator.

For Petitioner : Mr.Harikrishnan for
Mr.T.M.Mano

For Respondents : Mr.B.Aravind Srevatsa for R1
Mr.V.Sathish Kumar for R2 and R3



Arb.O.P.(Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

ORDER

WEB COPY This petition has been filed under Section 11 of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator by this Court.

2.The petitioner/applicant is a Developer and the respondents are the land owners. A Memorandum of Understanding dated 12.09.2018 was entered into between the petitioner/applicant and the respondents under which the petitioner/applicant agreed to develop the property, morefully described in the schedule to the Judges Summons, belonging to the respondents by constructing flats. There seems to be a dispute arising out of the same. It is an admitted fact that there is an Arbitration Clause available in the Memorandum of Understanding dated 12.09.2018.

3.Learned counsels for the respective respondents also agree that there is a valid Arbitration Agreement available in the Memorandum of Understanding dated 12.09.2018. They are also agreeable for the appointment of an Arbitrator by this Court to adjudicate the dispute between



Arb.O.P.(Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

the parties arising out of the Memorandum of Understanding dated 12.09.2018.

4.Since there has been no consensus between the parties with regard to the name of the Arbitrator, this Court will have to necessarily appoint an Arbitrator to adjudicate the dispute between the parties arising out of the Memorandum of Understanding dated 12.09.2018.

5.O.A.No.314 of 2023 has been filed under Section 9 of the Arbitration and Conciliation Act to restrain the respondents from alienating/ encumbering the property, morefully described in the schedule to the Judges Summons.

6.This Court had earlier granted an order of interim injunction in favour of the petitioner/applicant as prayed for in O.A. No.314 of 2023 on 12.04.2023. The said order continues till date. Interim injunction granted by this Court on 12.04.2023 in O.A. No.314 of 2023 shall stand extended for a period of one month to enable the applicant to file a fresh application under



Arb.O.P.(Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

Section 17 of the Arbitration and Conciliation Act seeking for extension of the injunction order granted by this Court. The respondents are also granted liberty to raise all objections available to them under law in the Section 17 Application to be filed by the petitioner/applicant. In terms of the above, this application is disposed of.

7.No prejudice would be caused if the parties are directed to go before the Arbitrator appointed by this Court under Section 11 of the Arbitration and Conciliation Act, 1996. Since the parties are agreeable for Arbitration, this Court will have to necessarily appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act.

8.For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions:

(a)This Court appoints Hon'ble Mr.Justice N.Kirubakaran, Former Judge of this Court, having Office at No.36, 2nd Cross Street, Rayala Nagar, Ramapuram, Chennai - 600 089 (Mobile No.9445025454) as the



Arb.O.P.(Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

Sole Arbitrator to decide the dispute between the petitioner and the respondents arising out of the Memorandum of Understanding dated 12.09.2018, on merits and in accordance with law.

(b)The Arbitrator shall be paid his remuneration / fees by mutual agreement between the parties.

(c)Both the parties shall equally share the Arbitrator's fees.

(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.

08.09.2023

vga

Index: Yes/No

Speaking/Non-speaking orders



WEB COPY



Arb.O.P.(Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

ABDUL QUDDHOSE, J.

vga

Arb.O.P (Com.Div.) No.368 of 2023 and O.A. No.314 of 2023

08.09.2023