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Arb.O.P. (Com.Div.) No.426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.426 of 2023

M/s.Mercedes – Benz Financial Services India Pvt. Ltd.,
(formerly known as M/s.Daimler Financial Services
India Private Limited)

5th Floor, Plot 8, Baashyam Willow Square,
9 & 10, First Street, Thiru vi ka Industrial Estate,
Guindy, Chennai – 600 032, Tamil Nadu, India.

Represented by its Authorised Signatory
Sadam Hussain S.

.. Petitioner

Vs.

1.Mohammed Madar

2.H M Tippu Sultan

.. Respondents

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint / substitute a Sole Arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 13.03.2019 in respect of Contract Nos.20142414 & 20142415.

For Petitioner : Mr.M.Arunachalam

For Respondents : Mr.V.Srikanth



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ORDER

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This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator in respect of Contract Nos.20142414 & 20142415.

2.Both the parties consent for appointment of Mr.V.Kuberan, Advocate as an Arbitrator to resolve the dispute between the parties.

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

4.The Court is inclined to pass the following order:-

(i) **Mr.V.Kuberan, Advocate, (Mobile No.:9840043486)** residing at **No.25, Bazullah Road, T.Nagar, Chennai – 600 017**, 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 other incidental charges to the Arbitrator and later recover the same from the respondents.

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



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6. 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.

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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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