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Arb.O.P.No.35 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17..10..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Arb.O.P.No.35 of 2022

Mrs.S.Rajeswari,
W/o C.P.Sudharsan,
No.22, Suriamman Koil Street,
VOC Nagar, Pammal,
Chennai 600 075.

..... Petitioner

-Versus-

1.M/s.Shriram Transport Finance Company Limited
Having Registered Office at
14-A, Industrial Estate,
Guindy, Chennai 600 032.

Branch Office at
No.24, 1st Floor,
CLC Works Road,
Chromepet, Chennai 600044.

2.Mr.G.Dharmaraj,
District Judge (Retd.),
Sole Arbitrator,
No.19/2, 8th Street,
Eshawaran Nagar,
Pammal, Chennai 600075.

3.Mr.Vijayakumar,
No.27/60, Thiruneermalai Road,
LIC Colony, Pammal (Near Bus Stand),
Tambaram, Chennai 600 075.

..... Respondents



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Petition filed under Section 14(2) of the Arbitration and Conciliation Act, 1996 praying to terminate the mandate of the Sole Arbitrator-Mr.G.Dharmaraj / 2nd respondent herein.

For Petitioner : Mr.Antony R.Julian

*For Respondent (s) : Mr.M.Peer Mohammed
for R1*

ORDER

This Original Petition has been filed praying to terminate the mandate of the 2nd respondent / Sole Arbitrator-Mr.G.Dharmaraj appointed by the 1st respondent herein.

2. According to the petitioner, despite objections, the 2nd respondent was appointed as the Sole Arbitrator unilaterally by the 1st respondent which is not valid in the eye of law. Hence, the present original petition.

3. The learned counsel for the petitioner submitted that any one of the Advocates practising in Madras High Court may be appointed in the place of the 2nd respondent.



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4. The learned counsel for the 1st respondent had no serious objection for appointment of any one of the Advocate as Sole Arbitrator as suggested by the petitioners to adjudicate upon the disputes / differences between the petitioners and the 1st respondent.

5. Considering the above facts and circumstances and in the light of the submissions made on either side, it is ordered as follows:

i] Mr. Naveen Kumar Murthy, Advocate, S2, 2nd Floor, Singapore Plaza, No.164, New No.337, Linghi Chetty Street, Chennai 600001, Mobile No.98847 40424 – Gmail – naveenimmo@gmail.com is appointed as an Arbitrator to enter upon reference and adjudicate the matter as against the first respondent alone.

ii] The learned Arbitrator appointed herein, shall after issuing notice to the first 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] The fees of the learned Arbitrator shall be fixed as per the Schedule and the same shall be borne by the parties equally.

This Original Petition is ordered accordingly as against the first respondent, leaving the parties to bear their own costs. As far as the second respondent is, concerned this Original Petition is dismissed.

17..10..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.Mr. Naveen Kumar Murthy,
Advocate, S2, 2nd Floor, Singapore Plaza,
No.164, New No.337, Linghi Chetty Street,
Chennai 600001.



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N.SATHISH KUMAR.J.,
kmk

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