



Arb.O.P. (Com.Div.) No.564 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 30.03.2023

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

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1.B.Pushpa,
W/o.K.Babu,
Partner of Babu Enterprises

2.K.Babu
S/o.Kesavan
Partner of Babu Enterprises

Both are residing at
72, Tamil Nadu Housing Board
Keelperumbakkam
Villupuram Town.

... Petitioners

Vs.

1.M/s.Babu Enterprises
Represented by its Partner T.Janagi
No.Pallipudupattu Village
Villupuram Taluk
Villupuram 605 106

2.T.Janagi
W/o.D.Tholgappiyan
No.116, Pondy Main Road
Mitta Mandagapattu Post
Villupuram Taluk and District 605 601

... Respondents



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PRAYER : Arbitration Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to adjudicate the disputes between the Petitioners and the Respondents in terms of the Reconstitution deed dated 17.08.2016 and to direct the Respondents to pay costs.

For Petitioner : Mr.P.C.Harikumar

For Respondents : Mr.A.Mohammed Ismail

ORDER

This Arbitration Original Petition has been filed to appoint an Arbitrator to adjudicate the disputes between the Petitioners and the Respondents in terms of the Reconstitution deed dated 17.08.2016 and to direct the Respondents to pay costs.

2.However, the learned counsel for the Petitioner would submit that Section 19 Petition in Sr.No.3375 of 2023 has been filed before the Additional District Judge, Villupuram, where the Respondent herein has filed specific performance Suit in O.S.No.37 of 2020. Therefore, the learned counsel for the Petitioner would plead to close this Petition.



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3. Under these circumstances, based on the submissions made by the learned counsel for the Petitioner, this Petition is closed. However, it is open to the Respondent to make their objection or any other issues including maintainability, before the Court below. No costs. Consequently, the connected application is also closed.

30.03.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY, J.

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