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ARB.O.P.NO.99 OF 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

ARB.O.P.NO.99 OF 2023

ADR PLEXUS Medical Services Pvt. Ltd.,
Rep. by its Authorised Signatory V.Magesh Kumar
No.431, 23rd Street, Ashtalakshmi Nagar,
Alapakkam, Chennai – 600 116.

.. Petitioner

VS.

Dr.Vivekanandan, K.S.
District Psychiatrist
DHMP Salem
Permanent Resident of
H/118A, TNHB, Kamraj Nagar,
Oddapatti, Dharmapuri – 636 705
also at
603 Suresh Block, Chitra Complex,
No.9, Choolaimedu High Road,
Chennai – 600 094.

.. Respondents

PRAYER : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to decide the dispute between the petitioner and the respondent pursuant to the claim made by the petitioner in the letter dated 29.04.2023 arising under the Arbitration Agreement dated 23.08.2021.



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For Petitioner : Mr.K.J.Parthasarathy
For Respondent : Mr.G.Prithiviraj

ORDER

This Arbitration Original Petition has been filed by the petitioner to appoint an Arbitrator to decide the dispute between the petitioner and the respondent pursuant to the claim made by the petitioner in the letter dated 29.04.2023 arising under the Arbitration Agreement dated 23.08.2021.

2.It is the case of the petitioner that the respondent, on his own volition, full consent and free will had approached the petitioner and entered into an Agreement with the petitioner on 23.08.2021 for conducting online live interactive lectures, face to face lectures, record video lectures, make question bank and revision slides for PG Medical entrance courses, Undergraduate medical courses and NEET-SS Courses for a period of five years from 23.08.2021 to 23.08.2026 for a consolidated remuneration of Rs.10,00,000/- for conducting sessions. It is also agreed by the respondent that during the term of agreement, he will not join any other institution. However, the respondent has left the petitioner institution and joined other



institution. Hence, according to the learned counsel for the petitioner, there is an arbitration clause exists between the petitioner and the respondent and in the event any dispute arises between the parties the same has to be referred to arbitration.

3.The Agreement dated 23.08.2021 referred to above makes it clear that in the event of any dispute between the parties, the same shall be referred to arbitration as per Clause 15 (ii) of the Agreement dated 23.08.2021 and Clause 15(ii) of the Agreement reads as follows :

“15.GOVERNING LAW AND DISPUTE RESOLUTION

ii) That any dispute(s) pertaining to this agreement, which may arise at any time during the period of this agreement, shall be referred to Arbitration and such an arbitration shall be governed by the provisions of “The Arbitration and Conciliation Act, 1996”.

4.Since the Agreement is in existence between the petitioner and the respondent, this Court is of the view that the matter may be referred for arbitration.



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5. Accordingly, it is ordered as follows:

i] that **Mr.M.L.Ramesh, Advocate, No.454, New Law Chambers, High Court, Chennai – 600 104, Mobile No.9444019923 / 8667004914** is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] That the learned Arbitrator appointed herein, shall after issuing notice to the parties 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.

iii] That the learned Sole Arbitrator appointed herein shall be paid fees as per the schedule and the same shall be borne by the parties equally.



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6.This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

12.12.2023

Index : Yes / No
Neutral Citation : Yes / No
Speaking / Non-speaking order
TK

To

Mr.M.L.Ramesh
Advocate
No.454, New Law Chambers,
High Court, Chennai – 600 104.
Mobile No.9444019923 / 8667004914



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N. SATHISH KUMAR, J.

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