



ARB.O.P.NO.101 OF 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

ARB.O.P.NO.101 OF 2023

D.Sundararaj

.. Petitioner

VS.

1.M/s.Sree Chakra Enterprises
Rep. By its Proprietor Mr.K.A.Chelvam
39C, Flat No.1, Ground Floor,
School Street, Koyambedu,
Chennai – 600 017.

2.Mrs.C.Jeyapalani

.. Respondents

PRAYER : Petition filed under Section 11(5) of Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to decide and adjudicate upon the disputes between the petitioner and the respondent arising out of the Construction Agreement dated 29.04.2022.

For Petitioner	:	Ms.K.Srivaishnavi
For Respondents	:	Mr.S.Rajendrakumar



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ORDER

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This Arbitration Original Petition has been filed to appoint an Arbitrator to decide and adjudicate upon the disputes between the petitioner and the respondents arising out of the Construction Agreement dated 29.04.2022.

2.Pursuant to the Construction Agreement dated 29.04.2022 entered between the parties, it is the contention of the petitioner that as dispute arose between the parties, they are invoking arbitration.

3.The second respondent appears to be the wife of the first respondent, who is the seller of the Undivided Share of the property.

4.The Construction Agreement referred 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 of the Agreement and Clause 15 of the Agreement reads as follows :



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“15.All disputes and differences which may arise between the party hereto shall be referred to Arbitration and the Provision of the Indian Arbitration Act, 1940 shall apply.”

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

6.Accordingly, it is ordered as follows:

i] that **Hon'ble Mr.Justice Mr.N.Kirubakaran (Retired) High Court of Madras**, having office at **No.36, 2nd Cross Street, Rayala Nagar, Ramapuram, Chennai – 600089, Mobile: 9445025454** is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] That the learned Arbitrator appointed herein,



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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.

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

22.11.2023

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



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To
Hon'ble Mr.Justice N.Kirubakaran
Judge (Retired)
No.36, 2nd Cross Street,
Rayala Nagar, Ramapuram,
Chennai – 600 089.
Mobile: 9445025454



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N. SATHISH KUMAR, J.

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