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ARB. O.P.(Com.Div) No.656 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb. O.P. (Com. Div.) No.656 of 2022

K.L.Prabhakar	...	Petitioner
	vs.	
A.Sathish Kumar	...	Respondent

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator on behalf of the respondents in terms of Clause 13 of the Partnership Deed dated 09.04.2010 to adjudicate upon the disputes that have arisen between the parties in relation to the said Partnership.

For petitioner	: Ms.Meena Rukmani for Mr.AR.Karthik Lakshmanan
For respondent	: Mr.G.Mohan

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an Arbitrator by this Court.

2. The petitioner and the respondent are Partners under a Partnership Deed, dated 09.04.2010. There seems to be a dispute



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arising out of the same. There is an arbitration agreement contained in the Partnership Deed, dated 09.04.2010, which is extracted hereunder :-

"13. Any dispute or difference which may arise among the partners or their representative's with regard to the construction, meaning, effect of, this deed or any part there of or respecting the accounts, profits or losses of the business or the rights and liabilities of the partners under this deed or the dissolution or winding up of the business or any other matter relating to the firm shall be regard to arbitration"

3. The petitioner has invoked the arbitration by issuing a notice to the respondent on 18.06.2022 and thereafter he has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an Arbitrator by this Court.

4. The learned counsel for the petitioner as well as the learned counsel for the respondent on instructions have now made an endorsement in the Court bundle by which, the petitioner and the respondent have agreed for appointment of a sole Arbitrator by this Court.

5. After recording the said endorsement, this Court appoints



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Mr.M.K.Kabir, Senior Advocate as Arbitrator to adjudicate the dispute between the parties arising out of the Partnership Deed, dated 09.04.2010. Accordingly, this Arbitration Original Petition is allowed as prayed for by issuing the following directions:

(a) Mr.M.K.Kabir, Senior Advocate, who is having office at No.80, Law Chambers, High Court Buildings, Chennai - 600 104, (Mobile No.98400 44258) is appointed as a sole Arbitrator to decide the dispute between the petitioner and the respondent arising out of the Partnership Deed, dated 09.04.2010.

(b) The Arbitrator shall be paid his remuneration / fees by consent of both the parties to the dispute.

(c) Both the parties shall equally share the arbitrator's fees.

(d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

28.07.2023



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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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