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Arb.O.P(Com.Div.)No.521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.521 of 2023

J.V.Venkata Rao

... Petitioner

Vs.

1.Dr.Suresh Chandra Nayak

2.Dr.N.Manickavel

... Respondents

Prayer: Original Petition is filed under Section 11(4, 5 and 6) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to adjudicate over the dispute arising out of the Partnership Deed dated 01.05.2013 between the petitioner and the respondents.

For Petitioner : Mr.Rahul M.Shankar

For Respondents : Mr.C.Prakasam

ORDER

The petitioner has filed this petition under Section 11(4, 5 and 6) of the Arbitration and Conciliation Act, 1996, to appoint a sole Arbitrator to adjudicate over the dispute arising out of the Partnership Deed dated 01.05.2013 between the petitioner and the respondents.



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2. Mr.C.Prakasam, learned counsel appears on behalf of the respondents and submits that he has no objection for appointing an Arbitrator to resolve the dispute between the parties.

3. Relevant clause relating to resolution of dispute through arbitration reads as under:-

"12. Death of Partner:

Whenever there are any differences of opinion or any dispute between the partners, during the continuation of the firm or on its dissolution, retirement/death of the partners, the same shall be referred to arbitration. The arbitrator shall be a person of good repute and shall be appointed by a majority decision of the partners. The decision of the arbitrator so nominated shall be final and binding on all parties and such arbitration proceedings shall be governed by Indian Arbitration Act, which is in force."

4. Considering the fact that the dispute between the parties is arbitrable, Court is inclined to appoint **The Hon'ble Mr.Justice S.Manikumar (Retd.,)** **Former Chief Justice of Kerala High Court residing at New No.8, Old No.42, Kandhasami Street, Pallipattu, Tharamani, Chennai - 600 113 (Mobile No.9444390963)** as an arbitrator to enter upon reference and adjudicate/resolve the *inter se* dispute between the parties.



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5. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

6. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

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



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8. Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

30.11.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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Note: Registry is directed to communicate this order to Hon'ble Mr.Justice S.Manikumar (Retd.) at New No.8, Old No.42, Kandhasami Street, Pallipattu, Tharamani, Chennai - 600 113 (Mobile No.9444390963)

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