



Arb.O.P.No.10 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.O.P.No.10 of 2024

Ravishankar VS

. . . Petitioner

Versus

1.Om Muruga Granites
Partnership firm having its registered office at
19/84, Sree Krishna Bhavan
Konuthavilai, Koodaithookey
Kulasekaram Post, Aruvikkarai Village
Kanyakumari District – 629 161

2.P Raveendran

3.Abdul Salam

. . . Respondents

PRAYER : Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 to appoint an arbitrator and refer all the disputes and to adjudicate upon the disputes between the petitioner and the respondents arising out the Partnership Deed entered into between them dated 13.12.2021 to Arbitration.

For petitioner : Mr.Shobhan M.Padmanabhan

For respondents : No appearance for R1
Mr.A.M.Nataraj for R2 & R3



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ORDER

The petitioner prays for the constitution of an arbitral tribunal to resolve the dispute between the petitioner and the respondents. The petitioner and the respondents formed a partnership firm running granite quarry. In relation to the business of the petitioner, it is stated that a the parties have entered into the Partnership Deed dated 13.12.2021. The petitioner cites clause 27 of the Deed of Partnership, which is set out below:

“27) All disputes and differences related to the business or the conduct of the firm shall be decided and settled mutually or through arbitration and conciliation by an Arbitrator appointed to the choice of the partners or under the Arbitration and Conciliation Act of 1996. All other matters related to the firm shall governed by the provisions of Indian Partnership Act of 1932”

2. Since a dispute arose between the parties, the petitioner invoked the arbitration clause by issuing notice dated 07.06.2023 under Section 21 of the Arbitration and Conciliation Act, 1996. Since parties could not agree upon the constitution of the arbitral tribunal, the present petition is filed.

3. On instructions, learned counsel for the respondent admits that there is an arbitration agreement between the parties and that the dispute raised by the petitioner is within the scope thereof. He further submits that it would be



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convenient to conduct the arbitral proceedings in Kanniyakumari because, both the parties are based in Kanniyakumari and Kerala.

4. Upon examining the Memorandum of Understanding and other material documents, this petition is liable to be allowed.

5. Accordingly, Arb.O.P.No.10 of 2024 is allowed by appointing Mr.V.Siva Subramanian, Retired District Judge, 1/349, Judges Avenue, Y.Pudupatti, Arumbanur (PO), Madurai East (TK), Madurai – 625 104, Mobile No. 9443015316, as the sole arbitrator. The sole arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in respect of the arbitral proceedings shall be fixed by the arbitral tribunal in consultation with the parties. The learned Arbitrator can conduct the arbitral proceedings in Madurai.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order
dhk

N. SATHISH KUMAR, J.



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dhk

To

Mr.V.Siva Subramanian,
Retired District Judge,
1/349, Judges Avenue,
Y.Pudupatti, Arumbanur (PO),
Madurai East (TK), Madurai – 625 104
Mobile No. 9443015316

order in:

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