



Arb.O.P.No.6 of 2024

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N.SATHISH KUMAR, J.

This petition has been filed to appoint a sole arbitrator and constitute the Arbitral Tribunal to resolve the disputes that have arisen between the petitioners and respondent.

2. The case of the petitioners is that the petitioners have entered into an agreement with the respondent for timeshare facility, despite consideration has been paid, the same has not been furnished. Hence the petitioners pleaded to invoke the arbitration clause.

3. The learned counsel appearing for the respondent would submit that the claim is barred.

4. At this stage, as the dispute is raised and there is a specific provision, viz., 5.12 and 5.13, which provides for reference, which is extracted as follows:-

“5.12. All disputes, differences or questions arising out of this transaction shall be settled by Arbitration as per the provisions of the Arbitration Act, 1940 and venue of such



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arbitration shall be at Madras only.

5.13. In respect of the Arbitration proceedings initiated pursuant to the transaction envisaged herein and in respect of the matters pertaining to the transaction only the Civil Courts in Madras City shall have jurisdiction to the exclusion of all other Courts.”

As the existence of agreement is not in dispute, the merits cannot be gone into, at this stage, accordingly, this Court, hereby appoints Mr.P.M.Arvind Srevatsa, residing at No.14, Sreyas Virat, R.A.Puram, 3rd Street, Chennai – 600 028, Mobile No.99529 51872, as Arbitrator. Let the Arbitrator complete the arbitration within a period of six months and conclude the proceedings as per law. The fees of the Arbitrator shall be as per the schedule.

Accordingly, this application is ordered.

28.03.2024

ssd



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