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Arb.O.P.No.7 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04..03..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Arb. O.P.No.7 of 2024

1.D.Srinivasan

2.Latha Siddharthan

3.Raghul Siddharthan

4.Arun siddharthan Dhamodhar

..... Petitioners

-Versus-

Reginald Pathrose

..... Respondent

Petition filed under Section 11(6) of The Arbitration and conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate the disputes between the petitioners and the respondent arising out or in connection with the Sale Agreement dated 28.04.2022 and direct the respondent to pay the cost that the petitioners have incurred for filing this petition.

For Petitioner(s) : Mr.U.Baranidaran

For Respondent : Mr.Praveen Alexander



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ORDER

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This Original Petition has been filed seeking appointment of a Sole Arbitrator in furtherance of Clause 11.5 of 'Agreement of Sale' dated 28.04.2022 to adjudicate upon the disputes / differences between the petitioners and the respondent.

2. The original agreement was executed by the respondent herein in favour of one D.Srinivasan and D.Siddharthan, who are brothers. Though D.Siddharthan has not signed the sale agreement, subsequent correspondences, particularly, the legal notice issued on behalf of the respondent would make it clear that there was a contract between the parties for the sale of subject property. Now, it appears that D.Siddharthan is no more and his legal heirs have come on record and filed this petition.

3. The very agreement of sale is not disputed by the respondent. There is an arbitration clause in the agreement of sale in the event of any dispute arises between the parties. Clause 11.5 of the agreement of sale reads as under:-

“11.5. Arbitration: All disputes arising out of or in connection with this Agreement shall be referred to and finally resolved by Arbitration pursuant to the Arbitration and Conciliation Act, 1996 thereof, amendment or re-enactment thereto



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from time to time. The Tribunal shall consist of Single Arbitrator mutually appointed by the Parties hereto. The language of the Arbitration shall be English. The place of Arbitration shall be Chennai. The parties shall share the cost of the Arbitration. Any award passed by the Arbitral Tribunal shall be final and binding on the parties hereto. The Courts at Chennai shall have exclusive jurisdiction for aid and assistance to the Arbitration.”

4. In fact, the legal notice was issued by the respondent suggesting appointment of an Advocate one Mr.S.Vasudevan as sole arbitrator. The parties have exchanged legal notice and the petitioners suggested appointment of a retired Judge of Madras High Court as sole Arbitrator. Since the parties did not dispute with respect to existence of arbitration clause, this court is inclined to appoint Hon'ble Mr.Justice K.Ravichandrababu, Former Judge of Madras High Court, as sole Arbitrator to enter into a reference of the dispute.

In the result, this petition is ordered in the following terms:

i) Hon'ble Mr.Justice K.Ravichandrababu, Judge [Retd.], Madras High Court, residing at Flat 1D, Crescent Castle Apartment, 13, Second Crescent Park Road, Gandhi Nagar, Adyar, Chennai – 600 020 is appointed as a Sole Arbitrator to enter upon reference and adjudicate



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the dispute.

ii] The Sole Arbitrator appointed herein, 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] The Sole Arbitrator appointed herein shall be paid fees as per the schedule and the same shall be borne by the parties equally.

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

04..03..2024

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.Mr.Justice K.Ravichandra Babu,
Judge [Retd.],
Flat 1D, Crescent Castle Apartment,
13, Second Crescent Park Road,
Gandhi Nagar, Adyar, Chennai – 600 020



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N.SATHISH KUMAR.J.,

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