



WEB COPY



Arb.O.P. No.37 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

Arb.O.P.No.37 of 2023

1.Kalyani
2.P.Aravind

... Petitioners

Vs.

1.Radha Ranganathan
2.Ramesh
3.Ranganathan Ramani

... Respondents

PRAYER: This Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking to appoint a Sole Arbitrator to enter upon reference and adjudicate the disputes between the petitioners and the respondents arising under the agreement dated 24.03.2021 and to direct the respondents to pay costs and to grant such relief.

For Petitioners : Mr.a.K.Rajaraman

ORDER

This petition has been filed taking advantage of Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator consequent to frustration of an agreement of sale entered into



between the petitioners on the one hand and the respondents on the other hand.

2.The agreement was with respect to purchase of a flat by the petitioners, which was owned by the respondent. The total sale consideration was determined at Rs.25,00,000/- and even in the agreement, it is reflected that the petitioners had paid part consideration of Rs.11,50,000/-. The agreement which is dated 24.03.2021 envisages appointment of an arbitrator to examine the issues raised incase, either one of the two parties do not come forward to perform their obligations towards the agreement of sale.

3.It is contended in the petition that though notices had been issued on the respondents asking them to come over to execute the sale deed, they did not respond. Even in the present petition, notices had been directed but the respondent did not appear before the Court. The petitioners had effected paper publication. Again there was no representation from the respondents. Naturally, it is evident the respondents have taken a conscious decision not to appear before the Court. As stated, the agreement provides for appointment of an arbitrator with seat at Chennai.

4.Taking all the factors into consideration, since the respondents have



Arb.O.P. No.37 of 2023

deliberately not appeared, they are set ex-parte, but however, Thiru.V.Ramamurthy, (Mob No.9444052631), former District Judge, No.325, Lingu Chetty Street, 1st floor, Chennai-1, is appointed as Arbitrator to examine the issues between the petitioners and the respondents. The Arbitrator may issue notice to both the parties and take further steps towards examining the issues. The initial remuneration for the Arbitrator is fixed at Rs.50,000/-. This amount is to be paid by the petitioners. The Arbitrator may complete the arbitratory proceeding within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Petition stands allowed.

16.04.2024

Index : Yes/No
vkr



WEB COPY



Arb.O.P. No.37 of 2023

C.V.KARTHIKEYAN, J.
vkr

Arb.O.P.No.37 of 2023

16.04.2024