



A.No.3526 of 2024

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in O.P.No.578 of 2010

WEB COPY **K.KUMARESH BABU,J.**

The present application has been filled seeking for appointment/ substitute a new Arbitrator to resolve the dispute in respect of the dispute that had arisen out of C.R.Agreement No.8/89-90 dated 20.10.1989.

2. After notice, the respondent had also appeared before this Court and had submitted that they have no objection for appointment of Arbitrator. The learned counsels appearing on either side submitted in unison requesting this Court to appoint a retired Judge along with a specialist to resolve the dispute between this petitioner and the respondent.

3. Though the applicant filed the petition under Section 151 of Code of Civil Procedure instead of proper provision, this Court is inclined to consider the prayer and pass orders in the light of the judgment of the Hon'ble Apex Court in the case of *A.K.Palanisamy Vs N.Arumugham* reported in **2009 (9) SCC 173**.



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4. Considering the averments made in the accompanying affidavit filed in support of this Application and also taking in to consideration the consent of the respondent and having being satisfied with the same, this Court appoints **Mr.P.Ganesan, Former District Judge**, residing at **No.778, Judges Colony, Kakithapuram 4th Street, S.Kolathur, Kovilambakkam, Chennai – 600 117** to resolve the dispute between the parties. The Arbitrator is entitled to fix his remuneration as per the Schedule-IV of Arbitration and Conciliation Act, 1996. The learned Arbitrator is also at liberty to engage the services of an Expert to assist him in taking a decision. The fees of the Expert shall be fixed by the learned Arbitrator and shall be borne by the respective parties in equal proportion. This Court further requests the learned Arbitrator to endeavour to decide the dispute as expeditiously as possible.

08.08.2024

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