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Arb.O.P(Com.Div.) No.321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

Arb.O.P.(Com.Div.) No.321 of 2024

Mr.Josyula Nairit Shekar

... Petitioner

Vs.

Z.R.Anand

... Respondent

Prayer: Original Petition is filed under Section 11(6)(a)&(c) of the Arbitration and Conciliation (Amendment) Act, 2015 r/w.Rule 2 of the appointment of the Arbitrators of Madras High Court Scheme, 1996 to appoint a sole arbitrator to resolve the dispute between the petitioner and the respondent in terms of Clause 11 of the Memorandum of Understanding dated 29.11.2021 and 10.12.2021.

For Petitioner : Mr.R.N.Kasi Vishwanathan

For Respondent : Mr.M.Saravana Kumar (Vakalat not filed)

ORDER

This petition has been filed to appoint a sole arbitrator to resolve the dispute between the petitioner and the respondent in terms of Clause 11 of the Memorandum of Understanding dated 29.11.2021 and 10.12.2021.



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2. It is brought to the notice of this Court that the petitioner herein had originally filed suit in OS.No.3935 of 2023 on the file of the XV Assistant City Civil Court, Chennai. The respondent herein had filed IA.No.1 of 2024 by invoking provisions under Section 8 of the Arbitration Act, the said application was allowed stating that there is no jurisdiction and relegating the parties to arbitration as contemplated in the agreement. Recording the same, the suit was dismissed as the jurisdiction is barred. Hence, the present petition.

3. When the matter is taken up, the learned counsel for the respondent would also expressed his consent for appointment of Arbitrator.

4. In view of the aforesaid circumstances, I am inclined to appoint **Mr.K.S.Jeyaganeshan, Advocate Mobile No.94440-19757, No.304, New Law Chamber, High Court Buildings, Chennai – 600104** as sole Arbitrator to enter upon the dispute between the parties. The learned Sole Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Sole Arbitrator to endeavour to decide the dispute as expeditiously as possible preferably within a period of six months from the date of completion of pleadings.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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K. KUMARESH BABU, J.
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