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Arb.OP(Com.Div.)No.337 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2024

Coram:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Arb.OP(Com.Div.) No.337 of 2024

M/s.KRM Home Makers Pvt.Ltd.,
Rep. By its Director,
M.S.Moorthy,
Having its registered Office at
No.602, Suruthi Block, Chitra Avenue,
No.9, Choolaimedu High Road,
Chennai 600 094

... Petitioner

/versus/

1.S.Basker
2.Nirmaladevi
3.S.R.Venkat Sridhar
4.Parthiban
5.K.Rajalakshmi
6.K.Rajeswari
7.M.Bharathi
8.UshaKannan
T.Venkatachalam(deceased)
9.V.Jothiammal
10.Om Prakash
11.Ramesh Kumar
12.K.R.Lakshmi
13.R.Selvam
14.A.Selvaraj

... Respondents

Prayer: Original Petition is filed under Section 11 of the Arbitration and Conciliation



Act, 1996, seeking to appoint a sole arbitrator to adjudicate the disputes arose between the petitioner and the respondents.

For Petitioner : M/s.Pass Asso.

For Respondents

For R1 to 5,
8, 10 & 11

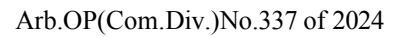
: Mr.K.V.Babu

For R6,7,9,12,13,14: No Appearance

ORDER

This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking to appoint a sole arbitrator to adjudicate the disputes arose between the petitioner and the respondents.

2. The petitioner states that they are reputed Home Makers engaged in the business of purchase of lands, plots or immovable properties and to develop and construct residential or commercial complexes etc., thereon for sale. The petitioner decided to form a dream and innovative project i.e. 'Mitra Science City', for which the first respondent assured that he will arrange for 100 acres of land. On 28.07.2022, a memorandum of understanding was entered into between the petitioner and the respondents. Thereafter, sale agreement was entered into and also advance amount was paid. However, the respondents failed to comply with the terms and conditions of the memorandum of understanding, for which the petitioner sent a notice dated



5. On perusal of clause 17 of the memorandum of understanding, it is evident that the disputes are required to be resolved through arbitration. The petitioner has also duly invoked the arbitration clause. In view of the failure of the respondents to



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respond thereto, or took consent to the nominee proposed by the petitioner, the Arbitral Tribunal is required to be constituted in accordance with Section 11 of the Arbitration Act.

6. Therefore, this Court is inclined to appoint an arbitrator. Accordingly, this petition is allowed by appointing Mr.S.Arunachalam, Advocate having office address – Door No.323, New Additional Law Chambers, II Floor, High Court Building, Chennai 600 104 (mobile: 80560 38856) as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law. It is open to the Sole Arbitrator to fix his fees and expenses in relation to the arbitral proceedings.

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Neutral citation: Yes/no
Index : Yes/No
Speaking/Non Speaking
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G.K.ILANTHIRAIYAN, J.

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