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Arb.O.P.(Com.Div.) No.515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.) No.515 of 2023

M/s.Shriram Finance Limited,
Formerly Known as
M/s.Shriram Transport Finance Co. Ltd.,
Represented by its Power of Attorney/Authorized Officer
M.Sakthivel,
Having Registered Office at
No.14A, South Phase,
Industrial Estate, Guindy, Chennai.

... Petitioner

Vs.

1.M/s.AB Trucks Private Limited,
Represented by its Authorised Signatory
A.Sadiq,
No.102, Perambur Barracks Road,
Purasawalkam, Choolai, Parveen Travels Building,
Perambur, Purasawalkam,
Chennai - 600112.

2.A.Aslam

3.A.Afzal

4.A.Aarif

5.A.Sadiq

... Respondents



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Prayer: Original Petition is filed under Section 11(4) and (5) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator.

For Petitioner : Mr.M.Peer Mohamed
For Respondents : Mrs.Radha Gopalan

ORDER

The learned counsel for the petitioner is present.

2. The learned counsel for the respondents appears through video conferencing.

3. Both the counsels have consented for appointing Mr.S.Mahesh, Advocate, as a sole arbitrator to resolve the dispute between the parties.

4. Recording the request of the learned counsels for either sides, **Mr.S.Mahesh, Advocate, Enrollment No.MS/247/1993, having Office at No.315/152, Thambu Chetty Street, IV Floor, Chennai – 600 001, Mobile No.95660 88976**, is appointed as the Sole Arbitrator to enter upon reference to adjudicate/resolve the *inter se* dispute between the parties.



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5. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

6. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

7. This Original Petition is disposed of accordingly, leaving the parties to bear their own costs.



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8. Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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