



Arb.O.P.No.52 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Arb.O.P.No.52 of 2024

Upendran Chari
Son of Sridhar Chari
presently residing at Old No.11, New No.16
Gokulam, LIC Colony
East Tambaram, Chennai 47

... Petitioner

Vs.

M.Pazhanikumar
Plot No.153 Part (Northern part)
Indira Gandhi Nagar
Kayarambedu Village
Chengalpet Taluk and District.

... Respondent

For Petitioner

: Mr.S.Malarmannan

ORDER

This matter has been brought before this Court by way of “For Being Mentioned”.

2.Considering the submission made by the learned counsel for the petitioner, paragraph No.6 of the order passed by this Court in Arb.OP.No.52 of 2024 dated 28.10.2024 is hereby modified as follows:



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“6.The learned Sole Arbitrator is entitled to fix his fees as per Schedule-IV to the Act. This Court further requests the learned Sole Arbitrator to decide the dispute within a period of six months from the date of receipt of a copy of this order.”

3.Registry is directed to replace the above paragraph as Para No.6 in the order passed by this Court in Arb.OP.No.52 of 2024 dated 28.10.2024 and issue fresh order copy.

18.03.2025

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... Petitioner

Vs.

M.Pazhanikumar
Plot No.153 Part (Northern part)
Indira Gandhi Nagar
Kayarambedu Village
Chengalpet Taluk and District.

... Respondent

Prayer: Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 praying the following:

(a) Appoint a sole Arbitrator to enter upon reference and adjudicate between the Petitioner and the Respondent arising under the agreement dated



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09.07.2023.

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(b) Direct the Respondent to pay the cost of the Petition.

For Petitioner

: Mr.S.Malarmannan

ORDER

This Petition has been filed to appoint a sole Arbitrator to enter upon reference and adjudicate between the Petitioner and the Respondent arising under the agreement dated 09.07.2023 and to direct the Respondent to pay the cost of the Petition.

2.When the matter is taken up for hearing, learned counsel for the Petitioner would submit that the Petitioner and the Respondent, were entered into an unregistered agreement for sale dated 09.07.2023 and a sum of Rs.15,00,000/- was paid as advance and total sale consideration was fixed at Rs.43,50,000/-. The Respondent has not come forward to execute the sale deed stating that the property was mortgaged and he promised to clear the same and execute the sale deed. However, later on the Petitioner came to know that the Respondent was already entered into an agreement with third party, which was cancelled and he had not repaid the advance amount. After discussion, the



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parties are decided to cancel the sale agreement and a sum of Rs.9,00,000/- was returned on 30.10.2023 and a sum of Rs.2,00,000/- was repaid on 24.01.2024. Since the balance sum of Rs.4,00,000/- was not repaid by the Respondent, the Petitioner issued a notice dated 25.05.2024, invoking the dispute resolution clause in the agreement for sale dated 09.07.2023. Even though the Respondent received the same, the Petitioner waited in vain for a response. Hence, the Petitioner is before this Court, seeking appointment of an Arbitrator.

3.Notice was sent to the Respondent and affidavit of service has also been filed by the learned counsel for the Petitioner.

4.Heard the learned counsel for the Petitioner. Perused the available records.

5.Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel for the Petitioner, in the interest of justice, this Court appoints Mr.T.N. Rajagopalan, (Enrolment No: 506/1986, Mobile No: 9884459893), learned counsel having office at No.31,



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Law Chambers, as Sole Arbitrator to resolve the dispute between the Petitioner and the Respondent.

6.The learned Sole Arbitrator is entitled to fix his fees as per Schedule-IV to the Act. This Court further requests the learned Sole Arbitrator to decide the dispute within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, this Arbitration Original Petition is ordered. No costs.

28.10.2024

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

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Dated: 28.10.2024