



Arb.O.P.(Comm.Div.) No.449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 03.12.2024

Pronounced on:06.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Arb.O.P.(Comm.Div.) No.449 of 2024

Mr.V.Karthik

... Petitioner

vs.

Mr.S.Kishore

... Respondent

PRAYER: Arbitration Original Petition filed under Sections 11 (6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate between the petitioner and the respondent in terms of the dispute resolution Clause i.e., Clause 23 of the Deed of Partnership dated 04.04.2016 and the respondent to pay costs.

For Petitioner : Mr.D.Krishnapradeep

For Respondent : No Appearance.



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ORDER

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to appoint an Arbitrator in respect of the dispute arising out of alleged violation of the Deed of Partnership dated 04.04.2016 between the petitioner and the respondent.

2. I have heard Mr.D.Krishnapradeep, learned counsel for the petitioner.

3. The learned counsel for the petitioner has filed an affidavit of service before this Court stating that as per the order of this Court, private notice has been sent to the respondent and the same was duly served upon him on 01.11.2024 and despite the same, none appeared on behalf of the



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respondent. Hence, this Court on 26.11.2024, directed the Registry to print the name of the respondent in the cause list. On 03.12.2024 also, the respondent has not chosen to appear before this Court, Therefore, the respondent is set exparte.

4. The learned counsel for the petitioner would take me through Deed of Partnership dated 04.04.2016, Clause 23- *"Any dispute or difference arising between parties shall be referred to arbitration. The provisions, of the Indian Arbitration Act..."*, the fact that the parties had agreed to refer to the disputes to Arbitration under the provisions of the Arbitration and Conciliation Act, 1996. Therefore, I am satisfied with the existence of an Arbitration agreement between the parties.

5. The present Original Petition has been filed under Section 11 for appointment of a sole Arbitrator, invoking the above referred Clause 23 in the Deed of Partnership dated 04.04.2016. In view of the foregoing



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discussions, I am inclined to appoint **Mr.M.K.Subramanian, Advocate** having office address at **No.83/44, R.K.Mutt Road, Mylapore, Chennai - 600 004** (Cell: 94440 18210, Ph: 044-4210 2634) E.mail:- **msklawoffice@yahoo.co.in** as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law.

6. The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than six (6) months from the date of his entering into reference.

7. Accordingly, this Arbitration Original Petition is allowed.

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Internet : Yes / No

P.B.BALAJI, J.,

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