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Arb.O.P(Com.Div.) No.529 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.) No.529 of 2023

M/s.IndusInd Bank Limited,
Represented by its Authorised Representative
N.Bhabani Sankar Sahu, Executive-Legal
and having its Registered Office at
New No.34, Old Nos.115 and 116,
G.N.Chetty Road, T.Nagar,
Chennai – 600 017.

... Petitioner

Vs.

1.M/s.Ganga Bhavani Earth Mover,
Represented by its Proprietor Rajeshudu,
H.No.2-7, Ammakkapet Village,
Ibrahimpetnam Mandal,
Jigtial, Landmark : Near Hanuman Temple,
Telangana,
Pin – 505450

2.Pateru Chinnakka Ravinder

3.Thirusulla Arjun

... Respondents

Prayer: Original Petition is filed under Section 11(6)(a) & (c) of the Arbitration and Conciliation (Amendment) Act, 2015 read with Rule 2 of the Appointment of the Arbitrators of Madras High Court Scheme, 1996, praying to refer the disputes between the petitioner and the 3rd respondent under the Guarantee



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Agreement No.AHK00253E dated 20.03.2017 by arraying the 3rd respondent herein as Respondent in the pending Arbitration before the learned arbitrator K.M.Valasala Kumari in Arbitration case No.KMV/INDUSIND/1 of 2022 regarding Loan Agreement No.AHK00253E dated 21.04.2017 in terms of Clause 11 of the Personal Guarantee Agreement No.AHK00253 dated 04.12.2020 and for the cost of this petition.

For Petitioner : Ms.S.R.Subaachini for
Mr.K.Moorthy
For Respondents :
For R1 and R2 : Mr.J.Ravi Kumar

ORDER

This petition has been filed under Section 11(6)(a) & (c) of the Arbitration and Conciliation (Amendment) Act, 2015 read with Rule 2 of the Appointment of the Arbitrators of Madras High Court Scheme, 1996, praying for referring the disputes between the petitioner and the third respondent under the Guarantee Agreement No.AHK00253E dated 20.03.2017 by arraying the third respondent herein as respondent in the pending Arbitration before the learned arbitrator M/s.K.M.Valasala Kumari in Arbitration case No.KMV/INDUSIND/1 of 2022 regarding Loan Agreement No.AHK00253E dated 21.04.2017 in terms of Clause 11 of the Personal Guarantee Agreement No.AHK00253 dated 04.12.2020 and for the cost of this petition.



2. It appears that the petitioner has already initiated arbitration proceedings against the first and second respondents under the Personal Guarantee Agreement dated 04.12.2020 and that M/s.K.M.Valasala Kumari was appointed as an Arbitrator who is seized out the dispute.

3. It also appears that the pleadings is complete and the trial has also been commenced. It is, at this stage, the petitioner has filed this petition based on the copy of the Personal Guarantee Agreement which is said to have been executed by the third respondent.

4. The learned counsel for the respondents would submit that the third respondent may be directed to be impleaded in the pending arbitration proceedings and the learned Arbitrator may be directed to decide all the preliminary objections regarding maintainability of the arbitration proceedings and may be directed to entertain all the defences that may be available to the third respondent under law.

5. The learned counsel for the petitioner has no objection to the same.



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C.SARAVANAN, J.

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6. Recording the same, this Original Petition is disposed of by directing the learned Arbitrator to implead the third respondent as respondent in the arbitration proceedings before the learned arbitrator M/s.K.M.Valasala Kumari in Arbitration case No.KMV/INDUSIND/1 of 2022.

7. Liberty is given to the third respondent to raise all the defences that are available under law. There shall be no order as to costs.

29.01.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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