



O.A.Nos.893 and 895 of 2023

O.A.Nos.893 and 895 of 2023

C.SARAVANAN, J.

WEB COPY

By this common order, both these applications are being disposed of.

2. Earlier an interim order came to be passed by this Court on 15.11.2023, ordering *status quo* regarding the property measuring an extent of 1 Acre 62 Cents out of 3 Acres 12 Cents in S.Kulathur Village in Sholinganallur Taluk, Kancheepuram District covered by the Memorandum of Understanding dated 30.04.2019 and the property measuring an extent of 4 Acres 12 Cents in Kovilambakkam Village, Tambaram Taluk, Kancheepuram District covered by the Memorandum of Understanding dated 12.07.2019.

3. As far as the dispute covered under Memorandum of Understanding dated 30.04.2019 is concerned, there is no clause for resolving the dispute through arbitration. Therefore, O.A.No.893 of 2023 is not maintainable under Section 9 of the Arbitration and



O.A.Nos.893 and 895 of 2023

Conciliation Act, 1996.

WEB COPY

4. As far as the dispute covered by the Memorandum of Understanding dated 12.07.2019 in respect of the land measuring an extent of 4 Acres 12 Cents in Kovilambakkam Village, Tambaram Taluk, Kancheepuram District is concerned, the Memorandum of Understanding contemplates an Arbitration Clause for resolving the dispute between the parties. Therefore, O.A.No.895 of 2023 is maintainable under Section 9 of the Arbitration and Conciliation Act, 1996.

5. Although the applicants have not issued any notice under Section 21 of the Arbitration and Conciliation Act, 1996, this Court is of the view that O.A.No.895 of 2023 is a fit case for referring the dispute to arbitration covered by the Memorandum of Understanding dated 12.07.2019.

6. Thus, **Hon'ble Mr.Justice.V.Periya Karuppiah (Retd.),**



O.A.Nos.893 and 895 of 2023

Former Judge of Madras High Court residing at Plot No.204, Kutbi Complex, 2nd Avenue, 7th Cross Street, Vetuvangani, Injambakkam, Chennai - 600 115, (Mobile No.8144251234) is appointed as a Sole Arbitrator to resolve the *inter se* dispute between the parties under the Memorandum of Understanding dated 12.07.2019.

7. 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.

8. The learned Arbitrator appointed herein shall be paid fees and



O.A.Nos.893 and 895 of 2023

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 applicants shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

9. Since this Court has appointed the Arbitrator, it is open to the applicants as well as the respondents to seek other reliefs under Sections and 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator. The applicants are permitted to move appropriate application within a period of fifteen days from today.

10. In view of the above discussion, interim order passed on 15.11.2023 as far as O.A.No.895 of 2023 will continue for a period of thirty days from today. Meanwhile, it is open to the applicants to move suitable application for its continuance under Section 17 of the



O.A.Nos.893 and 895 of 2023

Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

WEB COPY

11. At the expiry of the aforesaid period of thirty days, interim order dated 15.11.2023 shall come to an end unless it is extended by the learned Arbitrator.

12. The learned Arbitrator is requested to dispose of such application which may filed under Section 17 of the Arbitration and Conciliation Act, 1996 as expeditiously as possible.

13. As far as the dispute covered by Memorandum of Understanding dated 30.04.2019 is concerned, it is open for the parties to request the learned Arbitrator to resolve the dispute between the parties.

C.SARAVANAN, J.



WEB COPY



O.A.Nos.893 and 895 of 2023

arb

14. O.A.No.893 of 2023 is disposed with the above liberty.

O.A.No.895 of 2023 is allowed leaving the parties to bear their own costs.

24.01.2024

arb

O.A.Nos.893 and 895 of 2023