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Arbitration Original Petition (Com.Div.) No.36 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Original Petition (Com.Div.) No.36 of 2025

Donald Sequeira
S/o.John Sequeira

.... Petitioner

Vs.

1.Jamunarani
W/o.Krishnamurthy

2.Giridharan
S/o.Chandrasekaran

.... Respondents

Arbitration Original Petition (Com.Div.) filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator for the purpose of adjudication of the disputes that have arisen between the petitioner and respondents under the Memorandum of Understanding dated 03.06.2024.

For Petitioner : Mr.Vinodh Kumar

For Respondents : Mr.P.Harikrishnan
for M/s.K.M.Vijayan Associates

ORDER

This petition has been filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of an

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Arbitrator to resolve the disputes between the petitioner and the respondents arising under the Memorandum of Understanding dated 03.06.2024.

2. When the petition came up for hearing on 15.07.2025, this Court passed the following order:

“This petition has been filed under Section 11 of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondents arising out of the Memorandum of Understanding dated 03.06.2024. The Memorandum of Understanding dated 03.06.2024 contains an arbitration clause. The same is extracted hereunder:

‘13) Both party agreed the time limit mentioned in the MOU its not extendable unless both party agreed for extension. In case any dispute in respect of the MOU then the matter will be settled by the way of mediation and in case of failure of mediation, the parties shall appoint the sole arbitrator in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The place of arbitration is at Chennai.’

3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 28.04.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been received from the respondents to the same.

4. Since there exists an arbitration clause in the Memorandum of Understanding dated 03.06.2024 and since there is no consensus between the parties with regard to the name of the Arbitrator and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996, this Court is issuing notice to the respondents returnable by 05.08.2025. Private notice is also permitted.”



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3. After notice was served on respondents, an attempt was made to resolve the dispute amicably and hence, the parties were referred to the Mediation Center. A report has been received from the Mediation Center to the effect that no settlement has been arrived at between the parties. This fact has also been reiterated by learned counsel appearing on either side.

4. In the light of the above development, further orders will have to be passed in this petition. It is seen that there is a valid agreement between the parties in line with Section 7 of the Act and it also contains an arbitration clause.

5. In the light of the above discussion, this Court appoints Hon'ble Mr. Justice R. Subramanian, Former Judge, Madras High Court, No.6/29, Flat No.1B, Vishwanath Apartments, 5th Main Road, R.A.Puram, Chennai – 600 028, as the Sole Arbitrator and the Hon'ble sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen between the parties and render arbitral award by holding sittings in the 'Madras High Court Arbitration Centre under the aegis of this Court' (MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017 and fee of



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N.ANAND VENKATESH, J.

gm

Hon'ble Sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

Accordingly, this petition is disposed of.

06.02.2026

gm

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