



Arb. O.P. (Com. Div.) No.137 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb. O.P. (Com. Div.) No.137 of 2025

M/.FIVE STAR BUSINESS FINANCE LTD.

Rep. by its Legal Officer

Mr.Madhusandhan Someswaran

... Petitioner

VS.

1. BHUMPALLI POCHIAIAH

2. BUMPALLI RAJITHA

3. BHOOMPALLI MEENAIHAH

4. RAJITHA BHOOMPALLI

... Respondents

Prayer : Arbitration Original Petition (Commercial Division) has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator(s) to decide the disputes and differences between the petitioner and respondent in terms of Loan Agreement, dated 29.11.2019.

For Petitioner

: Ms. Vinodhini Mathelene

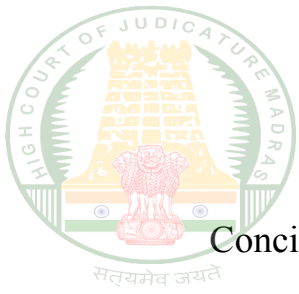
for Mr.P.H. Vinodh Pandian

For Respondents

: Set Ex-parte

ORDER

This petition has been filed under Section 11 of the Arbitration and



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Conciliation Act, 1996, seeking for appointment of an arbitrator by this

WEB COURT.

2. As directed by this Court, the Registry has printed the names of the respondents in the cause list today. The respondents have been duly served with the notice in this petition. Despite service of notice and their names having been printed in the cause list today, no one has entered appearance on the side of the respondents. Hence, the respondents are set ex-parte by this Court.

3. There seems to be a dispute between the petitioner and the respondents arising out of the Loan Agreement as well as the Memorandum of Deposit of Title Deeds, both dated 29.11.2019. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents as per the provisions of Section 21 of the Arbitration and Conciliation Act, 1996 on 04.12.2024. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 04.12.2024.



WEB COM

4. Since there exists an arbitration clause in the aforesaid Agreements, which are the subject matter of the dispute between the petitioner and the respondents and since the petitioner has complied with the statutory requirement by issuing notice to the respondents on 04.12.2024 as per the provisions of Section 21 of the Arbitration and Conciliation Act and since the respondents have been set ex-parte, this Court will have to appoint a sole Arbitrator to adjudicate the dispute between the parties.

5. For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions :-

a) This Court appoints Mr.P. Willson Topaz, who is having office at No.86, Law Chambers, Madras High Court Building, Chennai – 600 104, (Mobile No.9789886042) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Loan Agreement as well as the Memorandum of Deposit of Title Deeds, both dated 29.11.2019.

(b) The Arbitrator shall be paid his remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996.

(c) Both the parties shall equally share the arbitrator's fees.



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(d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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