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Arb.O.P.(Com.Div)No.252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb O.P.(Com.Div.)No.252 of 2024

The Royal Lands and Nest Co-operative
Housing Society Ltd.,
Represented by its Chairman
K.Velusamy Having office at
Door No.1722, VI Avenue,
Anna Nagar, Chennai - 600 040,
and also at Door No.11, AP873,
H Block, II Street, 12th Main Road,
Anna Nagar West, Chennai - 600 040

..Petitioner

Vs

Mr.Arivudai Nambi,
S/o M.Murugan
Door Number 5/589-b-1, Namitha Gardens,
Somayampalayam Pot, Thadagam Road,
Kanuvai, Coimbatore - 641 108

..Respondent

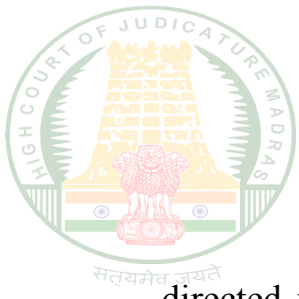
For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.K.M.Appaji

ORDER

This petition has been filed under Section 15 of the Arbitration and Conciliation Act 1996, seeking for termination of the mandate and substitution of the Arbitrator.

2. Till date, counter has not been filed in this petition. This Court had



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directed the petitioner to send a communication to the Arbitrator and inform him that this petition has been filed seeking for termination of his mandate under Section 15 of the Arbitration and Conciliation Act, 1996. The petitioner has also sent a copy of this petition to the Arbitrator informing him that the petitioner is seeking for termination of his mandate and for substitution of another Arbitrator.

3. Learned counsel for the respondent has stated no objection for allowing this petition since the Arbitrator is having knowledge about this petition having been filed by the petitioner and has chosen not to raise any objections. Since the Arbitrator has received the communication from the learned counsel for the petitioner informing him that this petition has been filed under section 15 of the Arbitration and Conciliation Act, this Court, after hearing the respective submissions of both the counsels, is inclined to terminate the mandate of the Arbitrator and substitute the Arbitrator with another Arbitrator.

4. Both the counsels, on instructions, would submit that both the parties have filed their respective pleadings. However, even according to them, their evidence have to be recorded. The last hearing date of arbitration was on 10.08.2022. Thereafter, no arbitral proceedings has taken place.

5. Since sufficient cause has been shown by the petitioner for terminating the mandate of the Arbitrator and consent has also been given by the respondent



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for allowing this petition, this Court is allowing this petition by substituting the Arbitrator as prayed for in the petition filed under Section 15 of the Arbitration and Conciliation Act, 1996.

6. Accordingly, the mandate of the existing Arbitrator namely Mr.K.Mohan Ram, Retd.Judge, Madras High Court, is terminated and in his place Mr.M.K.Kabir, Senior Advocate, having office at No.80, Law Chambers, High Court Building, Chennai - 600 104, is appointed as the sole Arbitrator to adjudicate the dispute between the parties arising out of the sale agreement dated 30.08.2013 entered into between the petitioner and the respondent, on merits and in accordance with law. Both the counsels have also agreed to pay the Arbitrator's fees, as per 4th Schedule to the Arbitration and Conciliation Act. 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. No costs.

16.04.2025

vsi

ABDUL QUDDHOSE,J.



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vs

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