



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

Arb O.P(COM.DIV.) No. 306 of 2025

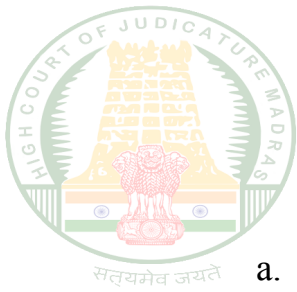
Mrs Usha Gopalakrishnan
W/o. Mr. T.S Gopalakrishnan, No 3B, ADHRI,
11/91, 2nd Street, W Block, Anna Nagar West,
Chennai - 40.

..Petitioner(s)

Vs

1. Mr S Balachander
W/o. Mr. T.S Gopalakrishnan, No 3B, ADHRI,
11/91, 2nd Street, W Block, Anna Nagar West,
Chennai - 40.S/o. Mr.N.Srinivasan,
Plot No.1 and 2A, Flat s1
S.K.Nagar, Chettiargram Main Road,
Chennai 77
2. Ms Royal Shrishtii Infrastructure
Represented by its Partner Soodi Kodutha
Kodhai Andaal No.69, Nellai Complex, GST
Road, Tambaram Sanatorium, Chennai - 600 047.
3. Mrs Soodi Kodutha Kodhai Andaal
Partner in Royal Shrishtii Infrastructure Wife of
N. Maheswaran No.69, Nellai Complex, GST
Road, Tambaram Sanatorium, Chennai - 600 047.
4. Mr N Maheswaran
Royal Shrishtii Infrastructure No.69, Nellai
Complex, GST Road, Tambaram Sanatorium,
Chennai - 600 047.

..Respondent(s)



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a. To appoint a Sole Arbitrator to decide the disputes that have arisen between the Petitioner and Respondents under the MOU dated 09.11.2020.

For Petitioner(s): M/S S.P.S.NITHYAN,
FOR M/S.PJ Rishikesh

For Respondent(s): M/S R.RAJI
FOR M/S. M.ERAJASIMHAN,
FOR RESPONDENTS 2,3,4,

ORDER

As directed by this Court, the petitioner has effected substituted service by effecting paper publication on the first respondent. The paper publication has been filed along with the affidavit of service. The name of the first respondent is also printed in the cause list today. Despite effecting paper publication, no one has entered appearance on behalf of the first respondent. Hence, the first respondent is set exparte by this Court.

2. The learned counsel for the respondents 2 to 4 has made an endorsement in the court bundle that the respondents 2 to 4 are agreeable for appointment of an Arbitrator by this Court.



3. In view of the endorsement made by the learned counsel for the respondents 2 to 4 and in view of the fact that the first respondent is set exparte by this Court, this Court has to necessarily appoint an Arbitrator as prayed for in this petition.

4. It is also represented by both the counsels that in a connected matter, this Court had appointed Mr.M.K.Kabir, Senior Advocate, as Arbitrator to adjudicate the dispute between the parties arising out of the revised MoU dated 09.11.2020. Both the counsels seek for appointment of the very same Arbitrator for adjudicating the dispute pertaining to the revised MoU dated 09.11.2020, which is the subject matter of this petition as well.

5. For the foregoing reasons, this petition is allowed as prayed for in the following manner:-

(a) This Court hereby appoints Mr.M.K.Kabir, Senior Advocate, having office at No.GE, Vantage Tower, 34, 5th Avenue, Besant Nagar, Chennai-90, Mobile No.9840044258, as the Sole Arbitrator to adjudicate the dispute between the petitioner and the



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respondents arising out of the revised MoU dated 09.11.2020.

(b) The Sole Arbitrator appointed by this Court shall be paid remuneration/fees as per the schedule agreed upon by the parties to the dispute.

(c) The Arbitrator shall adhere to the provisions of Arbitration and Conciliation Act, 1996.

(d) The Arbitrator shall also pass the arbitral award within the stipulated period as prescribed under the Arbitration and Conciliation Act, 1996.

05-08-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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ABDUL QUDDHOSE, J.

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