



WEB COPY

Arb O.P(COM.DIV.) No. 583 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 583 of 2025

Five Star Business Finance Limited
Rep by its Legal Officer
Mr.MadhuSandanSomeswaran,
Registered Office at New No.27,
Old No.4, Taylors Road, Kilpauk,
Chennai-600010.

Petitioner

Vs

1. Shaik Khaja
H.No.2-15 Suleman Nagar Kotagiri
Rudrur, Nizamabad
Telangana-503188.
2. Ahmed Bee
H.No.2-15 Suleman Nagar Kotagiri
Rudrur, Nizamabad
Telangana-503188.
3. Raziya Begum
H.No.2-15 Suleman Nagar Kotagiri
Rudrur, Nizamabad
Telangana-503188.



4. Shaik Mujahid

H.No.2-15 Suleman Nagar Kotagiri

Rudrur, Nizamabad

Telangana-503188.

Arb O.P(COM.DIV.) No. 583 of
2025



Respondents



PRAYER

To appoint an Arbitrator to decide the disputes and differences between the
Petitioner and Respondent in terms of Loan Agreement dated 14.11.2022

For Petitioner: Mr.P.H.Vinodh Pandian

For Respondents: No appearance

ORDER

This original petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate and decide the disputes between the petitioner and the respondents arising out of the loan agreement dated 14.11.2022.

2. When this petition came up for hearing on 19.09.2025, this Court, considering the fact that a dispute has arisen between the petitioner and the respondents out of the loan agreement dated 14.11.2022 and there exists an arbitration clause in the loan agreement, which is reproduced below,

“Article 10: Arbitration

All disputes, differences, and/or claims arising out of this Agreement, whether during its subsistence or thereafter shall be settled by “Arbitration” in accordance with the provisions of the “Arbitration and Conciliation Act 1996” (Act 26 of 1996) or any other statutory amendments thereof and shall be referred to the Sole Arbitration of an “Arbitrator”, whose appointment shall be made mutually by the Parties. It is a term of this agreement that in the event of such an Arbitrator to whom the matter has been referred to originally dies or being



unable or unwilling to act for any reason, then in such event, the Parties shall appoint a substitute sole arbitrator mutually. Such person, when appointed as Arbitrator, shall be entitled to proceed with the reference, from the stage at which it was left by his predecessor. The venue of the Arbitration proceedings shall be in Chennai”,

and that the petitioner had complied with the statutory requirements of Section 21 of the Act by issuing notice to the respondent on 11.03.2025, issued notice to the respondents through Court as well as privately returnable by 27.10.2025.

3. Pursuant to the above order, the private notice that was sent to the respondents has been served and affidavit of service has also been filed. Even though the names of the respondents are printed in the cause list, there is no appearance either in person or through counsel.

4. It is seen that there is a valid agreement between the parties in line with Section 7 of the Arbitration and Conciliation Act, 1996, which contains an arbitration clause. Hence, Mr.C.K.Chandrasekhar, Advocate, having address for service at Chamber 279, New Addl Law Chambers, High Court Buildings Chennai, Mobile No.9444184899, email: ckclawoffices@gmail.com is appointed as the sole Arbitrator and the learned Arbitrator is requested to enter upon reference qua the loan agreement dated 14.11.2022, adjudicate the arbitral disputes that have arisen between the parties by holding the sittings in any venue in Chennai to the convenience of all concerned and render an award. Fees of the sole Arbitrator shall be in accordance with the Madras High Court



Arbitration Centre (MHCAC)(Administrative Cost and Arbitrator's Fees) Rules
2017.

WEB COPY

5. This original petition is disposed of in the above terms. There shall be
no order as to costs.

03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

SS

To

1. Mr.C.K.Chandrasekhar
Chamber 279
New Addl Law Chambers
High Court Buildings
Chennai
Mobile No.9444184899
email: ckclawoffices@gmail.com

2. The Director
Tamil Nadu Mediation and Conciliation
Centre-cum-Ex-Officio Member
Madras High Court Arbitration Centre
Chennai 600 104



WEB COPY

Arb O.P(COM.DIV.) No. 583 of
2025



N.ANAND
VENKATESH J.

SS

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

03-11-2025