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Arb.O.P.(Com. Div.) No.387 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com. Div.) No.387 of 2025

M/s.TSR Films Private Limited,
Rep. by its authorized Signatory,
Mr.D.Teddy Joshua,
No.2, (Old No.29), Lake Area,
First Cross Street, Nungambakkam,
Chennai – 600 034.

... Petitioner

Vs.

M/s.Laxmi Chitramandir,
Ground floor, RS No.282/TPC 2B,
Semipermanent Building, Main Road,
Amingad, Bagalkode, Karnataka – 587 112.

... Respondent

PRAYER: Petition filed under Section 11(5) read with 10(2) of the Arbitration and Conciliation Act, 1996, pleased to appoint a Sole Arbitrator to resolve the dispute between parties arising out of the Agreement dated 03.10.2024.

For Petitioner : Mr.Dhanaram Ramachandran
For Respondent : Set exparte



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ORDER

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2. Notice sent to the respondent has been duly served. The delivery report has been filed along with Affidavit of Service (AOS). The name of the respondent is also printed in the cause list today. The respondent remains unrepresented. Hence, the respondent is set exparte by this Court.

3. There seems to be a dispute between the petitioner and the respondent arising out of the Agreement dated 03.10.2024. There exists an arbitration clause in the Agreement dated 03.10.2024 and the same is reproduced hereunder:

“15.Jurisdiction and Dispute Resolution:

This AGREEMENT will be governed by the courts in Chennai and will be governed by the laws of India. In the event of any dispute or difference arising at any time between the parties hereto as to the constructions, meaning or effect of this agreement or any clause or thing contained herein or the



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rights, duties, liabilities and obligations of the parties hereto, the same shall be referred to the arbitration of a Sole Arbitrator appointed by mutually by parties, whose decision shall be final and binding on the parties. The Arbitral Proceedings shall be in accordance with the Arbitration and Conciliation Act, 1996 and/or any statutory modification or re-enactment thereof for the time being in force. The venue of such arbitration shall be at Chennai only and the courts at Chennai alone shall have the sole and exclusive jurisdiction. The language so used in the Arbitral proceedings shall be English.”

4. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 24.04.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been received for the same. Since there is no consensus between the parties with regard to the name of the Arbitrator, the petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an arbitrator by this Court.



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5. Since there exists an arbitration clause in the contract, which is the subject matter of the dispute between the parties and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 and since there is no consensus between the parties with regard to the name of the arbitrator and since the respondent has been set exparte by this Court, this Court has to necessarily appoint an Arbitrator as prayed for in this petition.

6. Accordingly, this Arbitration Original Petition is allowed as prayed for by issuing the following directions:

(a) Mr.N.C.Ramesh, Senior Counsel, who is having office at No.6/47, North Road, West C.I.T. Nagar, Behind Nandi Statue, Chennai – 35, (Mobile No.98412 12720) is appointed as the sole Arbitrator to decide the dispute between the petitioner and the respondent arising out of the Agreement dated 03.10.2024;

(b) The Arbitrator shall be paid his remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996 or as per the mutual consent of both the parties;



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(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 : Yes / No
Neutral Citation Case: Yes / No
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ABDUL QUDDHOSE. J.

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