



Arb. O.P. (Com. Div.) No.416 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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M/s CELEBRITY DWELLINGS PVT. LTD.,
Rep. by its Director Mr. S. RAMACHANDRAN
No. 443, 5th Main Road, ERI Scheme, Mogappair,
Chennai - 600 037. ... Petitioner

vs.

1. Mrs. P. SUREKHA,
Wife of Thiru Srinivasan Chittam,
No. 50/88, Panchaliamman Kovil Street,
Sam's Court, AA Phase II, Arumbakkam,
Chennai 600 106.

Now at:

No. 2038, 3-A, Padmalaya Apartments,
15th Main Road, H Block, Anna Nagar,
Chennai - 600 040.

2. Mr. M. VISHAL,
Son of Mr. Mahaveer,
R/o. No. 24, Erulappan Street,
Sowcarpet, Chennai - 600 079. ...
Respondents



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Prayer : THIS PETITION HAS BEEN FILED UNDER SECTION 11(6) OF THE ARBITRATION AND CONCILIATION ACT, 1996 to appoint a Sole Arbitrator to adjudicate the dispute arising out of the Memorandum of Agreement dated 18.04.2022.

For Petitioner : Mr.M.S. Krishnan,
Senior Counsel for
Mr.Mohammed Fayaz Ali
For Respondents : Mr.D. Michael Sathyaraj for R1
Mr.S. Mohammed Asif for R2

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondents arising out of the Memorandum of Understanding, dated 18.04.2022. The Memorandum of Understanding, dated 18.04.2022 contains an arbitration clause and the same is extracted hereunder :-

12. Arbitration & Jurisdiction

Any dispute arising out of or in connection with this Memorandum of Understanding shall be resolved through arbitration under the Arbitration and Conciliation Act, 1996. The arbitration proceedings shall be conducted in Chennai, and the decision of the sole arbitrator shall be final and binding on all parties. The courts in



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Chennai, Tamil Nadu, shall have exclusive jurisdiction over any dispute related to this MOU.

3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 15.04.2025. No reply has been received for the same. Since the respondents have not agreed for arbitration, the petitioner has been constrained to file this petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an Arbitrator by this Court.

4. The learned counsel for the respondents has stated no objection for this Court appointing an Arbitrator as prayed for in this petition. He seeks liberty to raise all objections including the objections raised by them in O.A.215 of 2025 before the Arbitrator either under Section 17 of the Arbitration and Conciliation Act, 1996 or through the statement of defence filed by the respondents in the main arbitral claim to be made by the petitioner.

5. Since there exists an arbitration clause in the contract, which is the subject matter of the dispute between the petitioner and the respondents and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 and since the respondents have also agreed to go for arbitration to raise all



objections before the Arbitrator, this Court will have to necessarily appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 as prayed for in this petition.

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

a) This Court appoints Mr.K.M. Aasim Shehzad, Advocate, who is having office at BFS Legal, No.47/1, Rams Surabi Apartments, 1st Main Road, R.A. Puram, Chennai – 600 028 (Mobile No.9841026786) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Memorandum of Understanding, dated 18.04.2022.

(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.

(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.

7. Liberty is granted to the respondents to raise all objections including the objections raised in O.A. No.215 of 2025 before the Arbitrator either under Section 17 of the Arbitration and Conciliation



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Act, 1996 or through the statement of defence filed by the respondents in
the main arbitral claim to be made by the petitioner.

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ABDUL QUDDHOSE, J.

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