

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

A.No.3976 of 2025

IN

O.P.No.62 of 2012

M.Kasilingam

.. Applicant

Vs.

1.R.Ranikumari

2.A.Kanchana

Rep. by her Power Agent R.Mahalakshmi

3.S.Mahalakshmi

4.D.Srinivasan

5.R.Premkumar

District Judge (Retd.) and Sole Arbitrator

No.11, Rukmani Nagar

Ramanathapuram

Coimbatore 641 045

.. Respondents

Application filed under Order XIV Rule 8 of the Original Side Rules read with Section 15(2) of the Arbitration and Conciliation Act, 1996 to substitute the 5th respondent Arbitrator by appointing a new Arbitrator to continue the proceeding of Arbitration Case in Arb.O.P.No.1 of 2018 and to pass an arbitration

award.

For applicant : Mr.T.S.Baskaran
For R1 : Mr.M.Sriram
For R3 : Mr.A.Muthukumar
For R4 : Mr.P.Valliappan, Senior Counsel

ORDER

This application has been filed under Section 15(2) of the Arbitration and Conciliation Act, 1996, (in short “the Act”) for appointment of a fresh Arbitrator to continue the proceedings pending in Arbitration O.P.No.1 of 2018 and to pass an arbitration award.

2. Heard the learned counsel for the parties and perused the materials available on record.

3. The applicant and the respondents 1 to 4 entered into a sale agreement dated 13.06.2008, wherein, the respondents 1 to 4 agreed to convey the agricultural lands for a total sale consideration of Rs.3,40,25,000/-. The petitioner also paid advance amount by way of cheque and it was encashed by the respondents 1 to 4. Subsequently, the respondents 1 to 4 did not come forward to execute the sale deed.

4. Clause 12 of the sale agreement stipulated that the disputes between the parties can be resolved by arbitration. Hence, the applicant sent notice dated 24.08.2011 under Section 21 of the Act. The 5th respondent was appointed as the sole Arbitrator. The respondents 1 to 4 filed a petition for termination of the arbitration proceedings on the ground that the mandate has expired. The said petition came to be rejected. Aggrieved by the same, the 1st respondent filed an appeal before the Principal District Judge, Coimbatore, which was later transferred to the Commercial Court, Coimbatore and re-numbered as A.O.P.No.44 of 2023. This petition came to be dismissed by an order dated 25.04.2023.

5. To cut the long story short, there was no further progress and therefore, the present application came to be filed seeking for appointment of a fresh arbitrator to continue the proceedings.

6. At the time of hearing, it was brought to the notice of this Court that the 5th respondent had expired. Therefore, it is not necessary for this Court to go into the various allegations made in the affidavit filed in support of the petition.

7. The learned Senior Counsel appearing on behalf of the 4th respondent opposed this application on the ground that the arbitration proceedings have been going on right from the year 2018 onwards and there has been absolutely no progress in this case and hence, no useful purpose will be served in appointing one more arbitrator to continue with the arbitration proceedings.

8. In the considered view of this Court, the dispute is pending and the delay had occurred due to the application filed under Section 14 of the Act, which ultimately ended before the Commercial Court, Coimbatore, only on 25.04.2023. Unfortunately, the 5th respondent has also died and therefore, this Court is inclined to appoint a fresh arbitrator to continue with the proceedings and to pass an award, after affording an opportunity to both sides.

9. In view of the above, Mr.Vijay Raghunath, Advocate (E.No.671/91), Mobile No.98947 14242, having office at No.90, Krishnasamy Nagar, Ramanathapuram, Coimbatore 641 045, is appointed as the Arbitrator to continue with the arbitration proceedings. Since the seat of arbitration is in Coimbatore, the

proceedings shall be conducted in a venue at Coimbatore. The learned Arbitrator shall fix the fees in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules, 2017 and in line with the Fourth Schedule of the Act. Considering the fact that the arbitration proceedings has been going on from the year 2018, the learned Arbitrator shall endeavour to complete the entire proceedings within a period of nine months from the date of entering reference.

This application is disposed of on the above terms.

19.09.2025

gya

*Note : Registry to communicate this
order forthwith to the learned Arbitrator*

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N. ANAND VENKATESH, J.

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