



Arb O.P(COM.DIV.) No. 559 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 559 of 2025

M/s. Five Star Business Finance Limited
Regd. Office at New No.27 (Old No. 4)
Taylors Road, Kilpauk, Chennai-600 010
Represented by its Authorized Signatory
Madhusandhan Someswaran

Petitioner(s)

Vs

1. Mr.MM.Shivanna,
S/o.Manje Sowda,
No.73, Maduguddavahalli G R Patna
Hassan, Hassan District,
GR Patna-573111, Karnataka.
2. Mrs.Leelamma,
W/o.Shivanna,
No.73 Maduguddavahalli GR Patna
Hassan, Hassan District,
GR Patna-573111, Karnataka.
3. Mr.Punith
S/o.Shivanna,
No.73 Maduguddavahalli GR Patna



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Hassan, Hassan District,
GR Patna-573111, Karnataka.

Respondent(s)

PRAYER

To appoint a Sole Arbitrator to adjudicate the differences and disputes between the petitioner and the respondents under the Loan Agreement dated 31.03.2018 Bearing Reference Number FSKALALONS000005020627

For Petitioner(s): Mr.P. Suresh

For Respondent(s): No appearance

ORDER

This original petition has been filed under Section 11(6) 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 31.03.2018.

2. When this petition came up for hearing on 12.09.2025, this Court passed the following order:-

“This petition has been filed for appointment of an Arbitrator to adjudicate the dispute between the parties, which arises out of a loan cum hypothecation agreement dated 31.03.2018, which provides for referring the disputes to the Arbitrator in Article 10 of the agreement. The trigger notice dated 27.05.2025 under Section 21 of the Arbitration and Conciliation Act, 1996 was issued to the respondents.

2. Notice to the respondents returnable by 14.10.2025. Private



notice is also permitted.

Post on 14.10.2025.”

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3. Pursuant to the above order, the private notice that was sent to the respondents came to be returned with an endorsement “refused”, which tantamounts to deemed service on the respondents 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, Mrs.K.V.Subha, Advocate, having address for service at 'Prashanthi' #1C, 'Sowram Royal Enclave', #10/11&12, Fifth Street, Gopalapuram, Chennai 600 086 Mobile No.99405 62281, email: subhaadvocate@gmail.com is appointed as the sole Arbitrator and the learned Arbitrator is requested to enter upon reference qua the loan agreement dated 31.03.2018, 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.

5. This original petition is disposed of in the above terms. There shall be



no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

SS

To

1. Mrs.K.V.Subha

'Prashanthi' #1C, 'Sowram Royal Enclave'

#10/11&12, Fifth Street

Gopalapuram

Chennai 600 086

Mobile No.99405 62281

email: subhaadvocate@gmail.com

2. The Director

Tamil Nadu Mediation and Conciliation

Centre-cum-Ex-Officio Member

Madras High Court Arbitration Centre

Chennai 600 104



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N.ANAND
VENKATESH J.

SS

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