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Arbitration Original Petition (Com.Div.) No.549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Original Petition (Com.Div.) No.549 of 2025

M/s.Five Star Business Finance Limited
Regd. Office at
New No.27 (Old No.4) Taylors Road,
Kilpauk, Chennai – 600 010.
Rep. By its Authorised Signatory
Madhusandhan Someswaran

..... Petitioner

Vs

1.R.Parashurama
2.N.Raju
3.Bhagya

..... Respondents

Prayer : Application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a sole Arbitrator to adjudicate the differences and disputes between the petitioner and the respondents under the Loan Agreement dated 03.05.2024 bearing Reference No.FSKALALONS000005555929.

For Petitioner : Mr.P.Suresh



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ORDER

This petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of an arbitrator to adjudicate the differences and disputes between the petitioner and the respondents under the Loan Agreement dated 03.05.2024.

2. When the matter came up for hearing on 27.10.2025, this Court passed the following order:

“Notices sent to the respondents have been returned with endorsement 'Unclaimed' and an affidavit of service has been filed.

2. In view of the above, there shall be a direction to the applicant to effect service on the respondents through paper publication in a newspaper having wide circulation in Karnataka. The paper publication shall be effected on or before 07.11.2025, intimating the date of hearing on 17.11.2025.

3. Post on 17.11.2025.”



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3. Notice sent to the respondents was returned with an endorsement 'unclaimed' and hence, this Court, by order dated 27.10.2025, directed learned counsel for applicant to effect service on respondents through paper publication. Accordingly, paper publication has been effected and affidavit of service has been filed and the names of respondents have also been printed in the cause list. There is no appearance either in person or through counsel. This Court finds that there is a valid agreement between the parties in line with Section 7 of the Act. The agreement also provides for arbitration clause in Article 10 of the Loan Agreement.

4. In view of the above, this Court is inclined to proceed further and appoint Sole Arbitrator and refer the dispute between the petitioner and the respondent to the Sole Arbitrator, which will be dealt with on its own merits and in accordance with law.

5. In the light of the above discussion, this Court appoints



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Mr.Avinash Wadhwani, Advocate, RSV Nilayam, Plot No.1958-B, II

Avenue, Opposite Main Post Office, Anna Nagar West, Chennai – 600

040. [Mobile No.90030 51205], as the sole Arbitrator and the sole

Arbitrator is requested to adjudicate the arbitral disputes that had arisen

between the parties and render arbitral award by holding sittings in the

'Madras High Court Arbitration Centre under the aegis of this Court'

(MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017

and fee of Sole Arbitrator shall be in accordance with the Madras High

Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's

Fees) Rules 2017.

N.ANAND VENKATESH, J.

gm

Accordingly, this petition is disposed of.

01.12.2025



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Index:yes/no

NCC:yes/no

Speaking order/Non-speaking order

gm

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