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Arb O.P(COM.DIV.) No. 522 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 522 of 2025

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

Petitioner(s)

Vs

1. Mr D.Doddaiah (Ramesh)
- 2.Manjulamma,
- 3.Sunil Kumar,
- 4.Sharth HD,

Respondent(s)

PRAYER Petition filed under Section 11 of the Arbitration and Conciliation Act, praying to appoint a Sole Arbitrator to adjudicate the differences and



disputes between the petitioner and the respondents under the Loan Agreement dated 24.12.2018 Bearing Reference Number FSKALALONS000005067567

For Petitioner(s): Mr.P.Suresh

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for the sake of brevity, hereinafter referred to as ' the Act') seeking for the appointment of an Arbitrator by this Court.

2. When the matter came up for hearing on 28.08.2025, this Court passed the following order:

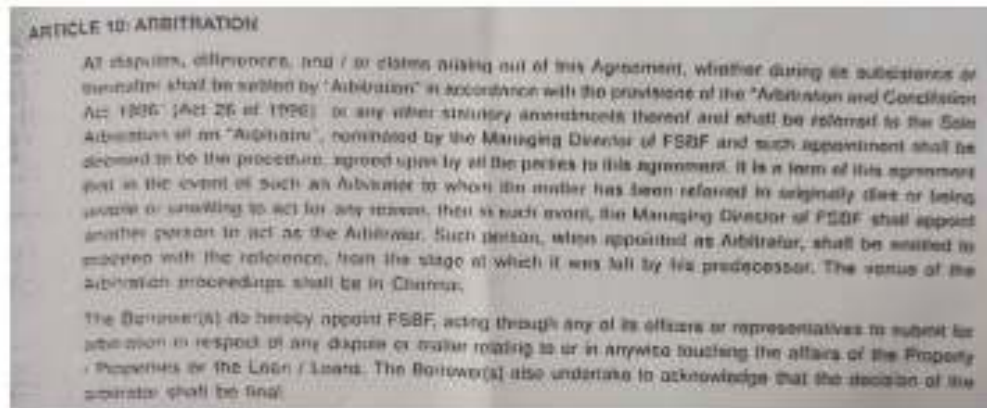
This petition has been filed under Section 11 of the Arbitration and Conciliation Act, seeking for appointment of an arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondents, arising out of the loan agreement dated 24.12.2018.



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In the said agreement, there exists an arbitration clause, which is extracted hereunder:



3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 27.05.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been received for the same.

4. 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 invoked arbitration in accordance with the arbitration clause by complying 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



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arbitrator, this Court is issuing notice to the respondents, returnable by 25.09.2025. Private notice is also permitted.

3.The private notice was sent to the respondents. The 1st respondent is the father, the 2nd respondent is the daughter and the 3rd and 4th respondents are the sons. Notice has been served on the 1st and 2nd respondents. Insofar as the 3rd and 4th respondents are concerned, it has been returned with an endorsement 'Unclaimed'. In view of the same, there is a deemed service of notice for respondents 3 and 4. There is no representation for the respondents either in person or through counsel for respondents.

4.It is seen that there is an existence of a valid agreement under Section 7 of the Act and it contains an arbitration clause. Therefore, all the other issues can be raised before the learned Arbitrator who shall deal with the same on its own merits and in accordance with law.

5.In view of the above, this Court is inclined to to appoint a sole Arbitrator. **Mr.K.Sendurpandi, Advocate, Ms.824/2003, No.456/9, TNHB**



Quarters, Shanthi Colony, Anna Nagar, Chennai - 600 040.
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[Mobile:8667878450] is appointed as sole Arbitrator. The sole Arbitrator is requested to enter upon reference, adjudicate upon arbitrable disputes that have arisen between the parties. The Arbitrator shall hold 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 Hon'ble sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

6.This petition is disposed of in the above terms. No Costs.

13-10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

SSR



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To

1.Mr.K.Sendurpandi,
Advocate, Ms.824/2003,
No.456/9, TNHB Quarters,
Shanthi Colony,
Anna Nagar, Chennai - 600 040.
[Mobile:8667878450]

2.The Director
Tamil Nadu Mediation and Conciliation
Centre-cum-Ex-Officio Member
Madras High Court Arbitration Centre
Chennai - 104.



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N.ANAND VENKATESH J.

SSR

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