



Arb.O.P.(Com.Div.) No.587 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Arb.O.P.(Com.Div.) No.587 of 2025

1. Dr.Su.Thillai Vallal

2. Mrs.T.Leela Vallal

.. Petitioners

Vs.

1. The Posh Hospital at Chennai

Unit of Pondy Ortho Speciality Hospital Pvt. Ltd.

No.30/11, Ambal Nagar Main Road

Kundupalayam Post, Pondicherry-605009

Rep. by its Director Dr.V.Veerappan

2.The Pondy Ortho Speciality Hospital Pvt. Ltd.

No.30/11, Ambal Nagar Main Road

Kundupalayam Post, Pondicherry - 605 009

Rep. by its Director Dr.V.Veerappan

.. Respondents

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to adjudicate the disputes that has arisen between the petitioner and the respondent in terms of Lease Deed dated 12.03.2024.

For Petitioners : Mr.V.Srikanth

For Respondents : Mr.M.Sathyakumar



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ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for brevity 'the Act') for appointment of a sole Arbitrator to adjudicate the disputes that has arisen between the petitioner and the respondents in terms of the Lease Deed dated 12.03.2024.

2. When the matter came up for hearing on 19.09.2025, this Court passed the following order:

This petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as the Act] vide the loan cum hypothecation agreement for equipment finance dated 12.03.2024.

2. The agreement provides for referring the dispute for Arbitration under clause 9.2 and the same is extracted hereunder:-

9.2. Arbitration:-

Failing such an amicable settlement, any dispute, controversy or claim arising out of, or relating to the deed within 30 (thirty) days as of the date requested by either party shall be referred to arbitration in accordance with the Indian Arbitration and Conciliation Act, 1996 at present in force.

3. The trigger notice under Section 21 of the Act was issued on 25.04.2025 and the same has also been received by the respondents. Since there was no response, the present petition has been filed before this Court.

4. Notice to the respondents returnable by 27.10.2025. Private notice is also permitted.

5. Post this case for hearing on 27.10.2025."



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3. After service of notice, the matter has been listed for final hearing today. Learned counsel for the respondents submitted that the respondents are denying the claim made by the petitioners. The respondents are also not agreeable to the appointment of sole arbitrator proposed by the petitioners.

4. This Court carefully considered the submissions made on either side and the materials available on record.

5. Insofar as the denial of the claim is concerned, it is an issue to be considered on merits by the Arbitrator. Therefore, the respondents can raise all the issues before the Arbitrator. Insofar as the respondents not agreeing to the name of the Arbitrator proposed by the petitioners, this Court is inclined to appoint a sole arbitrator.

6. It is seen that there is a valid agreement between the parties in line with Section 7 of the Act and it contains an arbitration clause. Hence, this Court appoints Mr.Abudu Kumar Rajaratnam, Senior Advocate, having office at No.326, Old No.170, Thambu Chetty Street, III Floor, Sai Kripa, Chennai 600 001 (Mobile No.98840 14991), as the sole Arbitrator and the sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen



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between the parties and render an arbitral award by holding sittings in the Madras High Court Arbitration Centre under the aegis of this Court as per Madras High Court Arbitration Proceedings Rules, 2017 and fee of the sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules, 2017.

Accordingly, this petition is disposed of.

27.10.2025

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N.ANAND VENKATESH, J.
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