



Arb.O.P. No.55 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM

THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Arb.O.P. No.55 of 2024

1.Mrs.K.Thenmozhi
2.G.Gopal
3.Mrs.G.Gomathy
4.G.Ramesh
5.Mrs.R.Kanchana
6.G.Ashok
7.Mrs.A.Mythili
8.G.Babu
9.Mrs.B.Papitha

... Petitioners

vs.

M/s.Anugraha Real Value Services (Chennai)
Private Limited,
Rep by its Authorised Signatory,
Mr.P.Gopinath,
No.91-92, Kodambakkam High Road,
Nungambakkam, Chennai -600 034.

... Respondent



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PRAYER: Arbitration Original Petition filed under Sections 11 (6) of the Arbitration and Conciliation Act, 1996 to appoint an independent Arbitrator/constitute an independent Arbitral Tribunal to adjudicate the disputes between the Petitioners and the respondent in terms of the sale Agreement dated 22.03.2016 registered as Document No.3391 of 2016 in the office of Sub Registrar, Thiruporur.

For Petitioners : Mr.J.Parthasarathy

For Respondent : Mr.S.Namasivayam

ORDER

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to appoint an Arbitrator in respect of the dispute arising out of alleged violation of the Sale Agreement dated 22.03.2016 between the petitioners and the respondent.

2. Heard Mr.J.Parthasarathy, learned counsel for the petitioners and Mr.S.Namasivayam, learned counsel for the respondent.

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3. The parties have agreed upon the Arbitration Clause 17 in the said Sale Agreement dated 23.03.2016, which is extracted below:

“17. That if any quest of difference or claim or dispute arises between the parties hereto touching these presents or the construction thereof as to the rights, duties or obligations of the parties hereto or as to any matter arising out of or connected with the subject matter of these presents, the same shall be referred to the Arbitration to be held at CHENNAI and such reference shall be to a single and sole Arbitrator, who shall be appointed by the BUYER. It shall be governed by the provisions of the Arbitration and Conciliation Act, 1996 as amended from time to time. The Award of the Arbitrator shall be final and binding on the parties.”

4. With the consent of both Mr.J.Parthasarathy, learned counsel for the Petitioners and Mr.S.Namasivayam, learned counsel for the respondent, I appoint **Mr.Justice.N.Kirubakaran, Former Judge of Madras High Court, having address at No.36, 2nd Cross Street, Rayala Nagar, Ramapuram, Chennai – 600 089, Cell: 94450 25454, E.mail. ID. justice.n.kirubakaran@gmail.com** as sole Arbitrator to go into the disputes between the parties and attempt to amicably resolve the same. The learned counsel for the petitioner is directed to communicate the said appointment to the learned Arbitrator.



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P.B.BALAJI, J.,

5. The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than six (6) months from the date of his entering into reference.

6. Accordingly, this Arbitration Original Petition is allowed.

03.01.2025

rkp

Index : Yes / No

Internet : Yes / No

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