



Arb O.P(COM.DIV.) No. 563 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb O.P(COM.DIV.) No. 563 of 2024

J.Maravarman
S/o Late N.Jayaraman,
No.241,1st Cross Street,
3rd Main Road, Natesal Nagar,
Virungambakkam,
Chennai - 600 092.

..Petitioner

Vs

P.Chandrasekaran
S/o.Pakkirisamy, No.9S,Park Dugar,
Mount Poonamalle High Road,
Ramapuram,
Chennai-600089.

..Respondent

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the following reliefs :-

a) Appoint an Arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of the Clause 17 of the Partnership Agreement dated 18.11.2020 as per the notice dated 19.08.2023

b) Direct the respondent to pay the costs.

For Petitioner : Mr.M.A.Aruneshe
for Mr.A.V.Arun

For Respondent : Mr.A.J.Mohamed Kassim



Arb O.P(COM.DIV.) No. 563 of 2024

ORDER

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This petition has been filed under section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondent arising out of a lease deed dated 19.02.20020 and the Deed of Partnership dated 18.11.2020. There exists an arbitration clause in both the agreements. The petitioner claims that certain sums of money are due and payable by the respondent under the aforementioned agreements. However, as seen from the counter filed by the respondent before this Court, the respondent claims that no money is due and payable by the respondent to the petitioner under the aforementioned agreements.

3. The petitioner has invoked arbitration in accordance with the arbitration clause contained in both the agreements by issuing notice to the respondent on 19.08.2024 under Section 21 of the Arbitration and Conciliation Act

4. The learned counsel for the respondent also admits that there exists an arbitration clause in both the agreements which are the subject matter of dispute raised by the petitioner in this petition. However, he would submit that the respondent does not owe any money to the petitioner under those agreements.

5. The contentions of the respondent is disputed by the learned counsel for the petitioner. The learned counsel for the petitioner would submit that more than



Arb O.P(COM.DIV.) No. 563 of 2024

Rs.20 lakhs is due and payable by the respondent to the petitioner.

6. Since the petitioner contends that certain sums of money are still due and payable by the respondent, this Court, while deciding the application under Section 11 of the Arbitration and Conciliation Act, cannot adjudicate the same. It is only the Arbitrator to be appointed by this Court who can adjudicate the said issue. Since there exists an arbitration clause in the agreements entered into between the parties viz., Lease deed dated 19.02.2020 and the Deed of Partnership dated 18.11.2020, which are the subject matter of dispute as raised by the petitioner, this Court will have to necessarily appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act.

7. For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions :-

a) This Court appoints Mr.T.Sezhian, Advocate, having Office at No.11, Jagadambal Colony, 2nd Street, Royapettah, Chennai - 600 014 (Mobile No.9841203574) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the aforesaid agreements.

(b) The Arbitrator shall be paid his /her remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996.

(c) Both the parties shall equally share the arbitrator's fees.



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Arb O.P(COM.DIV.) No. 563 of 2024

ABDUL QUDDHOSE,J.

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(d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

18.02.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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Arb O.P(COM.DIV.) No. 563 of 2024

18.02.2025