



Arb. O.P. (Com. Div.) No.540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.540 of 2024

Mr. M. Ramesh,
S/O. D. Mohan
Partner, M/s. Sri Valli Vilas MV Pavadai Chettiar Sons
No. 35 Subbarayalu Nagar,
Cuddalore-2

... Petitioner

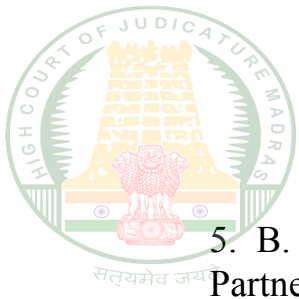
- Vs -

1. Mr. S.S. Vignesh Raam
S/o. S. Srinivasan Partner,
M/s. Sri Valli Vilas MV Pavadai Chettiar Sons
No.49, Subbarayalu Nagar,
Cuddalore -2.

2. V. Chandra Ammal
Partner, M/s. Sri Valli Vilas MV Pavadai Chettiar Sons
No. 50, Subbarayalu Nagar, Cuddalore -2.

3. V. Balu
Partner,
M/s. Sri Valli Vilas MV Pavadai Chettiar Sons
No. 50, Subbarayalu Nagar,
Cuddalore -2.

4. S. Srinivasan
Partner, M/s. Sri Valli Vilas MV Pavadai Chettiar Sons
No.49, Subbarayalu Nagar, Cuddalore -2



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5. B. Athmavallinathan

Partner, M/s. Sri Valli Vilas MV Pavadai Chettiar Sons
No.50, Subbarayalu Nagar,
Cuddalore -2

6. M/S. Sri Valli Vilas MV Pavadai Chettiar sons
No.43-44, Lawrence Road,
Cuddalore – 607 002.

...RESPONDENTS

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

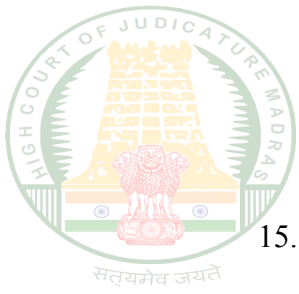
- a) appoint a Sole Arbitrator to adjudicate the dispute between the petitioner and the respondents and
- b) direct the respondents to pay the cost of this petition.

For petitioner	: Mr.Stalin Abhimanyu
For respondents	: Mr.Gowtham Thilak VB for R1 Mr.P. Dinesh Kumar for R4 Mr.S. Venkatesan for R2, R3 & R5

ORDER

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 arising out of the Partnership Deed, dated 01.04.2012. The Partnership Deed, dated 01.04.2012 contains an arbitration clause, which is extracted hereunder :-



15. *Arbitration:*

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Any dispute or difference between the partners arising in regard to the construction or terms of this deed or any party there of or in respect of the accounts or of the rights and liabilities of the partners under this deed or any other matter relating to the partnership, shall be referred to arbitration, each party appointing one arbitrator or the partners mutually agreeing upon to a single arbitrator and the provisions of the Indian Arbitration Act 1940 and any statutory modification thereof shall apply.

3. Today, a joint endorsement has been made by all the learned counsels that they are agreeable for appointment of an arbitrator by this Court. The sole arbitrator appointed by this Court shall adjudicate the dispute arising out of the Partnership Deed, dated 01.04.2012 entered into between the parties to the dispute. Since there exists an arbitration clause in the Partnership Deed and since the petitioner has already invoked arbitration by issuing notice under Section 21 of the Arbitration and Conciliation Act and in terms of the joint endorsement made by all the learned counsels, this Court is appointing Hon'ble Mr. Justice V. Bharathidasan, former Judge of Madras High Court as the sole arbitrator to adjudicate the dispute between the parties arising out of the Partnership Deed.



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4. For the foregoing reasons, this Arbitration Original Petition is

allowed as prayed for by issuing the following directions :-

a) This Court appoints Hon'ble Mr.Justice V. Bharathidasan, former Judge of Madras High Court having address at No.22, (L-45), 2nd Main Road, Kamaraj Nagar, Thiruvanmiyur, Chennai - 600 041 (Mob. No.9444383139 / 9445500224) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the aforesaid agreement.

(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.

(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.

12.02.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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