



Arb.O.P (Com.Div.) No.569 of 2024 and Arb.Appln. No.720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.569 of 2024 and Arb.Appln. No.720 of 2024

Dodla Amit Reddy

... Petitioner

Versus

1.M/s.Urban Habits Meta

2.Kandalam Thyagarajan Praveen

3.Javed Ahmad

4.Mohammad Tausif

... Respondents

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to confirm the appointment of Mrs.Pushya Sitaraman, Senior Advocate, as the Sole Arbitrator to arbitrate on all disputes between the parties arising out of the Partnership Deeds dated 01.04.2022 and 29.08.2022 or in the alternative to appoint a Sole Arbitrator, in terms of Clause 22(v) of the Partnership Deeds dated 01.04.2022 and 29.08.2022 to arbitrate on all disputes between the parties arising out of the Partnership Deeds dated 01.04.2022 and



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29.08.2022 and to direct the respondents to pay costs of this petition to the petitioner.

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For Petitioner : Mr.Manoj Menon

For R2 : Mr.Arun C.Mohan

ORDER

The respondents 1, 3 and 4 have already been set exparte by this Court.

2.Learned counsel appearing for the second respondent has stated no objection for allowing this petition. He would submit that Mr.V.K.Jhaver is a necessary party for the effective adjudication of the arbitral claim to be made by the petitioner. He would also submit that the second respondent has already initiated arbitration by issuing notice to all the necessary parties including Mr.V.K.Jhaver under Section 21 of the Arbitration and Conciliation Act, 1996.

3.No prejudice will be caused to the petitioner if the second respondent is allowed to raise all objections before the Arbitral Tribunal,



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once the Arbitral Tribunal is constituted by this Court including the objection that Mr.V.K.Jhaver is a necessary party for the effective adjudication of the arbitral claim to be made by the petitioner against the respondents.

4.Admittedly, the contract, which is the subject matter of the dispute, namely, the Partnership Agreement dated 01.04.2022 contains an arbitration clause. The same is re-produced hereunder:

'(v)All disputes between the parties or between the partners arising out of the partnership firm agreement which cannot be resolved in terms of this agreement shall be referred for arbitration as per the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996).'

5.The petitioner has also complied with the requirements of Section 21 of the Arbitration and Conciliation Act,1996 by issuing notice to the respondents on 03.10.2024. A reply has also been sent by the second respondent on 04.11.2024 to the same. Since the second respondent has consented for the appointment of an Arbitrator and since the respondents 1,



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3 and 4 have already been set exparte by this Court, this Court has to

necessarily appoint an Arbitrator as prayed for in this petition by granting liberty to the petitioner to raise objections with regard to the non-impleadment of any party to the arbitral claim by the petitioner.

6.For the foregoing reasons, this Arbitration Original Petition is allowed by issuing the following directions:

(a)This Court appoints Hon'ble Mrs.Justice Chitra Venkataraman, Former Judge of this Court, having Office at Old No.17-B, New No.31, IV Main Road, Raja Annamalaipuram, Chennai - 600 028 (Mobile No.98409 90000) as the Sole Arbitrator to adjudicate the dispute between the petitioner and the respondents, arising out of the Partnership Agreement and Amendment to the Partnership Agreement dated 01.04.2022 and 29.08.2022 respectively, on merits and in accordance with law;

(b)The Arbitrator shall be paid 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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(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.

No costs.

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ABDUL QUDDHOSE, J.

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