



Arb. Appeal No.10 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Arb. Appeal No.10 of 2025
and C.M.P.No.5485 of 2025

Balamurugan

.. Appellant

-VS-

1. M/s.Shriram Finance Limited,
(Formerly known as Shriram Transport
Finance Co. Ltd.,) Rep. by its Authorised
Representative, M.Nallendran,
having registered office at 3rd Floor, No.14A,
South Phase, Industrial Estate, Guindy,
Chennai 600 032, And Branch Office at,
No.143, Sudhiksan Arcade, Sankari Main Road,
Opp. to Government Boys Higher Secondary School,
Tiruchengode - 637 211.

2. Rasammal

.. Respondent

Prayer: Appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996, against the Judgment dated 23.04.2024 passed in Arb. O.P.No.07 of 2023 on the file of Commercial Court, District Judge, Salem.

For Appellant : Mr.N.K.Arulmuruganandham
for Mr.S.P.Yuaraj

For Respondents : Mr.Peer Mohammed
for R-1

* * * * *



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JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

Appellant as well as respondent No.1 are filing separate memos consenting for appointment of a fresh Arbitrator to decide the dispute between the parties. Appellant's memo and the memo of respondent No.1 are taken on record and marked as 'X' and 'X-1' respectively. Both the documents are hereby scanned and reproduced below:

Mr SP Yuvraj
10/3/25

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Arb. Appeal No.10/2025

X
10/3/25

BALAMURUGAN ... Petitioner

vs

M/s Shriram Finance Limited and another ... Respondent

MEMO FILED BY THE PETITIONER

மேற்படி வழக்கு இன்று விசாரணைக்கு வந்ததாக எனது வழக்கறிஞர் எனக்கு தெரிவித்தார் மேற்படி தகவல் அடிப்படையில் நீதிமன்றம் கருதும் வேறு ஒரு இசைவு தீர்ப்பாளரை கனம் நீதிமன்றம் நியமிக்க எனக்கு எந்தவித ஆட்சேபனையும் (No Objection) இல்லை என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்.

R. Balraj
மனுதாரர்

The Signature of the
Petitioner is related
by me.
10.3.25
Counsel for Petitioner.



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Arb. Appeal No.10 of 2025

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Arbitration Appeal.No 10 OF 2025
Against
Arb. Appeal No. 7 Of 2023
(On th File of Commercial Court, District Judge Salem)
Against
Arb.Case .No 85 OF 2023
(On the File of sole arbitrator, Mr. SAMPATHKUMAR)

Mr.Balamurugan ... Apellant/Petitioner

-VS-

1. M/s. Shriram Finance Limited,
(Formerly Known as M/s. Shriram Transport Finance Company Limited),
Represented by its G.P.A. V.SARAVANAN,

2. Mrs.Rasammal, ... Respondents/Respondents

Consent Memo Filed on Behalf of the 1st Respondent

I, Mr.V.Saravanan, S/o.Mr.veeraraghavan, Hindu, aged about 32 years authorized signatory general power of attorney of M/s. Shriram Finance Ltd, (Formerly Known as M/s. Shriram Transport Finance Company Limited), working as a Credit Executive at No.14A, South Phase, Industrial Estate, Guindy, Chennai – 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I am the authorized Signatory and the 1st Respondent in the above appeal and as such, I am well acquainted with the facts of the case and also competent to file this affidavit.
2. We hereby given consent for appointing a fresh arbitrator in the above Arbitration Appeal with regard to Arbitration Agreement dated 22.07.2019.

It is therefore prayed that this Hon'ble Court may be pleased to record the same and pass suitable orders and thus render justice.

Dated at Chennai this the 10 th March of 2025

Counsel for the 1st Respondent

For SHRIRAM FINANCE LIMITED
1st Respondent, *[Signature]*
Authorised Signatory

I am hereby states that, ~~the~~ Mr. Saravanan, the Authorised Signatory is having authorization to file this Consent memo on behalf of the 1st Respondent and giving consent for Mr. Paraneetharan, Advocate as sole Arbitrator.

M/s. Deek Mohammed Responder
10/3/25
X-1/E
10/3/25

2. Both counsels suggest that one C.Paraneetharan, Advocate, having his office at No.1, CHB Colony Street No.1, Tiruchengode 637 211, Namakkal District, Mob.No.: 98427 40101, be appointed as the Sole Arbitrator. The consent memo for appointment of the said Arbitrator is



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taken on record and marked as 'X-2' for identification. The same is scanned and reproduced below:

'X-2' / 10/3/25

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Arb. Appeal No.10/2025

BALAMURUGAN ... Petitioner
VS
M/s Shriram Finance Limited and another ... Respondent

MEMO FILED BY THE PETITIONER

மேற்படி வழக்கு இன்று விசாரணைக்கு வந்ததாக எனது வழக்கறிஞர் எனக்கு தெரிவித்தார் மேற்படி தகவல் அடிப்படையில் நீதிமன்றம் கருதும் வேறு ஒரு இசைவு தீர்ப்பாளரை கனம் நீதிமன்றம் நியமிக்க எனக்கு எந்தவித ஆட்சேபனையும் (No Objection) இல்லை என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்.

R. Balasubramanian
மனுதாரர்

C. Paraneedharan
Advocate
NO.1, CHB Colony Street no.1
Tiruchengode - 637211
Namakkal District
Cell: 9842740101

MS-106
10.3.25
Counsel for Appellant
10/3/2025
Counsel for Respondent
10/3/2025

3. Accordingly, the impugned order dated 23.04.2024 passed by the Commercial Court, District Judge, Salem, is hereby quashed and set aside. Consequently, the Arbitral Award dated 31.03.2023 is also quashed and set aside.



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4. **Mr.C.Paraneetharan, Advocate, having his office at No.1, CHB Colony Street No.1, Tiruchengode 637 211, Namakkal District, Mob.No.: 98427 40101,** is appointed as the Sole Arbitrator to arbitrate all the disputes between the parties. The fees and administrative expenses of the Arbitrator shall be shared equally and shall be subject to costs in the arbitral proceedings. Within two weeks of receiving a copy of this order, the Arbitrator shall file a declaration under Section 11(8) read with 12(1) of the Arbitration and Conciliation Act, 1996, with the Advocates appearing for the parties directly and forward a copy thereof to the Registrar General of this Court to be placed in the file for completion of records.

Appeal is, accordingly, disposed of. There shall be no order as to costs. Consequently, the interim application stands closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ, J.)

10.03.2025

Index : Yes/No

Neutral Citation : Yes/No

sra



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Arb. Appeal No.10 of 2025

The Hon'ble Chief Justice
and
Mohammed Shaffiq, J.

(sra)

To

1. The Commercial Court,
District Judge, Salem.
2. The Section Officer,
V.R.Section, Original Side,
Madras High Court, Chennai.
3. Mr.C.Paraneedharan, Advocate,
No.1, CHB Colony Street No.1,
Tiruchengoe 637 211,
Namakkal District.

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10.03.2025