



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 613 of 2025

1. K. Mangayarkarasi
W/o.Late Mr.N.Kadirvadivel,
2. Mrs. K. M. Shredevi,
D/o.Late Mr.N.Kadiravadivel,
Both Residing at ,
503, Kanakadhara's Land mark
Apartments,
Near Saket Towers, Saket Road,
Kapra, Meddal Malkajgiri,
Telangana, Hyderabad-500062.

Both represented by their Power
agent Mrs. Jaishree S.,
W/o.Mr.Sandeep, 153,
Lakshmi Mills Colony,
Pappanaickenpalayam,
Coimbatore-641037.

Petitioner(s)

Vs

N.J. Sundaresan,
S/o. Jagadeeswaran,
Flat No.69,
Sai Gangotri Apartments,
N.S.R. Road, Sai Baba Colony,
Coimbatore-641025.

Respondent(s)

PRAYER



Petition filed under Section 11 (6) (a) of the Arbitration and Conciliation Act, 1996, to Appoint an independent and impartial arbitrator under section 11 of the Arbitration and Conciliation Act, 1996, to adjudicate the disputes arising under the Assignment Deeds dated 20.09.2017 and 14.10.2019 and to Direct the Respondent to bear the costs of this petition.

For Petitioner (s): M/s.N.Sundaravadivelu
For Respondent Mr.P.R.Ramakrishnan

ORDER

This petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for brevity hereinafter referred to as the *Act*) for appointment of a sole arbitrator to adjudicate the disputes that has arisen between the parties under the Assignment Deeds dated 20.09.2017 and 14.10.2019.

2. Heard Mr.N.Sundaravadivelu, learned counsel for the petitioners and Mr.P.R.Ramakrishnan, learned counsel for respondent.

3. It is seen from records that initially the petitioners had moved the Commercial Court, Coimbatore, seeking for the relief and in that suit, an application came to be filed by the respondent to the effect that the dispute between the parties is in the realm of a dispute in personam and therefore, the same can be resolved through



arbitration since the agreement provides for an arbitration clause.

The said objection raised by the respondent was upheld and the same was further confirmed by this Court in CRP No.1272 of 2024 by an order dated 19.01.2024 and it was further confirmed by the Apex Court by dismissing the SLP filed by the petitioner.

4. In the light of the above development, the petitioners have moved the present petition under Section 11 of the Act seeking for appointment of a sole arbitrator in line with clause 15 of the agreement.

5. The learned counsel appearing on behalf of the respondent submitted that the respondent denies various allegations that have been made by the petitioners in this petition. Hence, the learned counsel requested this Court to keep all the issues open to be raised before the Arbitral Tribunal.

6. In the considered view of this Court, there is a valid agreement between the parties in line with Section 7 of the Act and it contains an arbitration clause. Therefore, this Court is inclined to appoint a sole arbitrator and it is left open to both the parties to raise



all the disputes before the Arbitral Tribunal.

7. In view of the above, this Court is inclined to appoint Mr.R.Vidhya Shankar, No.154, Kalidas Road, Ramnagar, Coimbatore – 641 009 Mobile No.9952211995 email id vidhyashankar@ramaniandshankar.com, as the sole Arbitrator and the sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen between the parties and render arbitral award by holding sittings in the 'Madras High Court Arbitration Centre under the aegis of this Court' (MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017 and fee of Sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

8. Accordingly, this petition is disposed of.

05-01-2026

rka

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

N.J. Sundaresan,
S/o. Jagadeeswaran, Flat No.69,
Sai Gangotri Apartments, N.S.R.
Road, Sai Baba Colony,
Coimbatore-641025.



WEB COPY

Arb O.P(COM.DIV.) No. 613 of
2025



N.ANAND VENKATESH.,J
rka

Arb O.P(COM.DIV.) No. 613 of 2025

05-01-2026