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Arbitration Original Petition (Com.Div.) No.682 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05.01.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Arbitration Original Petition (Com.Div.) No.682 of 2025**

**FIVE STAR BUSINESS FINANCE LIMITED**

represented by its Legal Officer

Mr.Madhusadhan Someswaran

Registered Office at New No.27,

Old No.4, Taylor's Road, Kilpauk,

Chennai - 600 010.

.... Petitioner

Vs.

1. Mr. Mohammed Saiufuddin Aamer,

2. Mrs. Husna Zareen

.... Respondents

Arbitration Original Petition (Com.Div.) filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to decide the disputes and difference between the petitioner and respondents in terms of Loan Agreement dated 13.09.2022.

For Petitioner : Mr. P. Suresh

For Respondents : No appearance

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**ORDER**

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of an

Arbitrator to decide the dispute and differences between the petitioner



and the respondents in terms of the Loan Agreement dated 13.09.2022.

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2. The petitioner extended financial facilities to the respondents.

The 1<sup>st</sup> respondent is the principal borrower and the 2<sup>nd</sup> respondent is the co-borrower. Since the respondents committed default, termination notice dated 27.05.2025 was issued and as on 27.05.2025, a sum of Rs.8,64,800.52 ps is due and payable.

3. The trigger notice dated 27.05.2025 was issued to respondents and in spite of receipt of the same, there was no response from the respondents. It is under these circumstances, the present petition came to be filed before this Court.

4. When the matter came up for hearing on 06.11.2025, this Court passed the following order:

*"This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') to appoint an arbitrator to resolve the dispute arising out of the Loan Agreement dated 12.09.2022.*

*2. The agreement provides for referring the dispute for Arbitration under Article 10 and the same is extracted hereunder:-*

*"ARTICLE 10: ARBITRATION*

*All disputes, differences, and/or claims arising out of this Agreement, whether during its subsistence or thereafter shall be settled by "Arbitration" in accordance with the*



*provisions of the "Arbitration and Conciliation Act 1996" (Act 26 of 1996) or any other statutory amendments thereof and shall be referred to the Sole Arbitration of an "Arbitrator", whose appointment shall be made mutually by the Parties. It is a term of this agreement that in the event of such an Arbitrator to whom the matter has been referred to originally dies or being unable or unwilling to act for any reason, then in such event, the Parties shall appoint a substitute sole arbitrator mutually. Such person, when appointed as Arbitrator, shall be entitled to proceed with the reference, from the stage at which it was left by his predecessor. The venue of the Arbitration proceedings shall be in Chennai."*

*3. The trigger notice under Section 21 of the Act was issued on 27.05.2025 and the same has also been received by the respondents. Since there was no response, the present petition has been filed before this Court.*

*4. Notice to the respondents returnable by 08.12.2025. Private notice is also permitted.*

*Post this petition for hearing on 08.12.2025.*

5. Notice has been served on the respondents and an affidavit of service has also been filed. There is no representation on the side of respondents either in person or through a pleader. This Court finds that the parties are governed by a loan agreement dated 12.09.2022, which provides for referring the disputes to the Arbitrator in Article 10 of the agreement.

6. In the light of the above discussion, this Court appoints **Mr. M. Mohamed Riyaz**, Advocate, having office at 1<sup>st</sup> Floor, SM Plaza,



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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.

Accordingly, this petition is disposed of.

**05.01.2026**

msr



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**N.ANAND VENKATESH, J.**

msr

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