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Arbitration Original Petition (Com.Div.) No.733 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.733 of 2025

FIVE STAR BUSINESS FINANCE LIMITED

represented by its Legal Officer

Mr.Madhu Sandan Someswaran

Registered Office at New No.27,

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

Chennai - 600 010.

.... Petitioner

Vs.

1.NS. Nagaraju

2. Ambika

.... 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 21.11.2019

For Petitioner : Mr.P.H.Vinodh Pandian

For Respondents : No appearance

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 21.11.2019.

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2. The petitioner extended financial facilities to the respondents.

The 1st respondent is the borrower and the 2nd 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.4,24,544.32p 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 21.11.2025, this Court passed the following order:

"This original petition has been filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996 seeking for appointment of an Arbitrator to adjudicate the disputes between the petitioner and the respondents in terms of Article 10 of the arbitration loan agreement dated 21.11.2019.

2. The trigger notice under Section 21 of the Arbitration and Conciliation Act has been issued on 27.05.2025.

3. Notice to the respondents returnable by 17.12.2025. Private notice is also permitted.

4. Post the case on 17.12.2025."



5. Notice has been served on 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 21.11.2019, 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. P. Srinivasan**, Advocate, having office at 248, I Floor, New Addl. Law Chambers, High Court, Madras [Mobile No.9841116738] 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.

Accordingly, this petition is disposed of.

05.01.2026

msr



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N.ANAND VENKATESH, J.

msr

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