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Arb O.P No. 87 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Arb O.P No. 87 of 2025

Sunil Kurian
Flat No. No.C-1403, C-Tower
The Metrozone,
No.44, Pillaiyar Koil Street,
Off Jawaharlal Nehru Road,
Anna Nagar, Chennai - 600 040

...Petitioner

Vs

1. The Metrozone Apartment Owners Association
Represented by its President,
Having office at
L002, No.44, Pillaiyarkoil Street,
Off Jawaharlal Nehru Road, Anna Nagar,
Chennai - 600 040.
2. J.Sathiyamurthy
President
The Metrozone Apartment Owners Association,
L002, No.44, Pillaiyar Koil Street,
Off Jawaharlal Nehru Road,
Anna Nagar, Chennai - 600 040.
3. P Pandiyan
Secretary,
The Metrozone Apartment Owners Association,
L002, No.44, Pillaiyar Koil Street,
Off Jawaharlal Nehru Road,
Anna Nagar, Chennai - 600 040.



4. C Prasanna Venkatesh
Arbitrator,
Venkata Vijayam, Flat A, Ground Floor,
Plot No.2937, AL Block,
No.214 (New No.23),
14th Main Road,
Shanthi Colony,
Anna Nagar, Chennai - 600 040.

..Respondents

Arbitration Original Petition filed under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996, praying to terminate the mandate of the Arbitrator in Arbitration Case Number MZ 1 of 2025 and be substituted by an Arbitrator to be appointed by this Court to adjudicate upon all disputes, differences and claims that have arisen between the parties under the Memorandum and Bye Laws of the Metrozone Apartment Owners Association.

For Petitioner : Mr.T.N.Raja Gopalan

For Respondents: Mr.Rahul Balaji [R1]
Mr.M.Thamizhavel [R2 & R3]

ORDER

This petition has been filed under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996, [for brevity 'the Act'] for the termination of the mandate of the Arbitrator and to substitute the Sole Arbitrator, who has been unilaterally appointed by the first respondent association.

2. Heard learned counsel on either side.

3. The petitioner was an elected Executive Member of the Flat Association. There was some dispute between the parties and hence, the



petitioner was suspended from the position as an Executive Committee Member. Aggrieved by the same, the petitioner initially filed a suit in O.S.No.2899 of 2025 challenging the show cause notice dated 21.04.2025 whereby the petitioner was suspended and also sought consequential reliefs. The bye-laws of the association contained an arbitration clause under Clause 26. In view of the same, the respondent moved an application under Section 8 of the Act. This application was allowed by the XXII Assistant City Civil Court, Chennai, by order dated 03.07.2025.

4. Pursuant to the above order, an Arbitrator was appointed by the association. The same is being challenged by the petitioner on the ground that such an Arbitrator has been appointed unilaterally and therefore, the petitioner has sought termination of the mandate of the Arbitrator and substitution of Arbitrator.

5. Considering the nature of dispute between the parties and considering the fact that the petitioner has not consented for unilateral appointment of Arbitrator and the petitioner did not repose faith on the Arbitrator appointed by the respondent and in order to ensure fair play, this Court is inclined to appoint a Sole Arbitrator to resolve the dispute between the parties.



N.ANAND VENKATESH, J.

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6. In the light of the above discussion, this Court appoints Mr.I.Abrar Mohammed Abdullah, 33, Law Chambers, High Court Buildings, Chennai – 600 104 [Mobile No.98846 90950] 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.

This petition is disposed of in the above terms.

23-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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