

(2010) 12 KAR CK 0128
In the Karnataka High Court
Case No : C.M.P. No. 63 of 2010

Mrs. Muniyamma and Others

APPELLANT

Vs

Crist Cardoza

RESPONDENT

Date of Decision : 06-12-2010

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11 (5)

Citation : (2010) 12 KAR CK 0128

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Shyam Prasad and Associates, for the Appellant; C.K. Dharaneeswaram, for the Respondent

Judgement

Mohan Shantanagoudar, J.—Petitioners are lessors and Respondent is lessee of the schedule property. The lease deed dated 15.4.2005 was entered into between the parties and the same is registered. Copy of the lease deed is produced at Annexure-D to the petition. Pursuant to the lease deed, the lessors have entered into possession of the property. However, disputes have arisen between the parties with regard to payment of rent. etc. There was exchange of notices between the parties. In spite of the same, the disputes are not settled. Ultimately, the Petitioners have issued notice as per Annexure-R, dated 31.12.2009/10.11.2009 instructing the Respondent herein for appointment of Sole Arbitrator for adjudication of the disputes. The Respondent did not agree for the same. Hence, this petition is filed u/s 11(5) of the Arbitration and Conciliation Act, 1996 praying for referring the dispute to the Arbitral Tribunal, for adjudication.

2. Article-6 of the agreement pertains to Arbitration. The said Article reveals that the disputes, if any, arisen between the parties, as regards terms and conditions of the lease deed, shall be referred to arbitration by the Sole Arbitrator to be appointed as contemplated under the provisions of the Arbitration and Conciliation Act. The Petitioners have invoked Arbitration Clause by issuing

notice. However, Respondent did not agree for the same. The disputes between the parties are not yet settled.

In view of the above, this Court is of the opinion that this is a fit case to appoint an Arbitrator for adjudication of the dispute. Accordingly, the following order is made:

Sri S. Ananthamurthy, Retired District Judge, "565/1, 7th Main, HAL II Stage, Indiranagar, Bangalore-560 008, is appointed as Sole Arbitrator, to resolve the dispute between the parties. The learned Arbitrator, on receipt of a copy of this order, shall enter upon the reference, issue notice to the parties and then proceed to resolve the dispute, in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

Office is directed to send a copy of this order to the learned Arbitrator, forthwith. Office is further directed to return all the original papers, if any, filed along with the petition to the Petitioner to enable the Petitioner to produce before the learned Arbitrator.

Petition is disposed of accordingly.