

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 175 OF 2024

Between:

1. Smt Parvathi Kupireddy, W/o. Ramasubba Reddy, aged 72 years
2. Sireesh Kumar Kuppireddy, S/o. Ramasubba Reddy, aged 45 years, Occ Pvt Employee
(Both are residents of 7-150/1, Nagendra Nagar, Habsiguda, Hyderabad-500007, Telangana State)

...Applicants / Petitioners

AND

1. Sahithi Sree Constructions, Rgstd. Office at #1-98-/9/17, Plot No.77, Flat No. 201, Hara's Habitat, Jaihind Layout, Madhapur, Hyderabad, 500081
Rep. by its Managing Partner, Sri B. Lakshminarayana, S/o B. Anjaneyulu, aged about 54 years, R/o. #1-98/9/17, Plot No.77, Flat No. 501, Hara's Habitat, Jaihind Layout, Madhapur, Hyderabad, 500081
2. M/s. Live India Ventures and Estates, Rep. by its Managaing Partner Mr. Zaheer Abbas, S/o. Late Mr. Vishwanath Rgstd. Office at #8-2-603/13/3/N/1, Banjarahills, Road No.10, Hyderabad 500034
And Rep by its Managing Partner Mr. Zaheer Abbas S/o. Late Mr. Viswanth, aged about 43 years R/o. 8-2-603/13/3N/1 Banjara Hills, Road No. 10, Hyderabad 500 034 Telangana State
3. Mr. Kudaravalli Venkateshwara Badra Kumar, S/o. Late KKSRRV Prasad, Aged about 51 yrs, Occ Business, R/o. #8-3-319/9, Yellareddyguda, Ameerpet, Hyderabad, Telangana
4. M/s. Kudaravalli Geeta, W/o. Kudaravallui Venkateshwara Badra Kumar, Aged about 45 yrs, Occ Homemaker, R/o. #8-3-319/9, Yellareddyguda, Ameerpet, Hyderabad, Telangana
5. Mr. Kudaravalli Ramakrishna Kumar, S/o. Late KKSRRV Prasad, Aged about 48 yrs, Occ Business, R/o. #8-3-319/9, Yellareddyguda, Ameerpet, Hyderabad, Telangana
6. Mr. Kudaravalli Sri Lakshmi, W/o. Kudaravallui Ramakrishna Kumar, Aged about 45 yrs, Occ Homemaker, R/o. #8-3-319/9, Yellareddyguda, Ameerpet, Hyderabad, Telangana-508254

7. Mrs. Kottaraj Venkata Baby Rani, W/o. Mr. K. Madhusudhana Reddy, Aged about 43yrs Occ Business R/o. Villa No. 62, Aparna Hill Park, Boulevard, Chandanagar, Hyderabad-500050

...Respondents

Application under Section 11 (6) of Arbitration & Conciliation Act, 1996 that the Hon'ble Court may be pleased to appoint Sole arbitrator to enter into reference and adjudicate upon the disputes and differences between the Petitioner and the Respondents 1 to 7 in respect of or arising of the Agreement of Sale dated 27.11.2017.

**Counsel for the Applicants : Ms V Soubhagya Valli
representing Mr V Seetharama Avadhani**

Counsel for the Respondents : - - -

The Court made the following Order :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.175 of 2024

ORDER:

Ms. V. Soubhagya Valli, learned counsel represents Mr. V. Seetharama Avadhani, learned counsel for the applicants.

2. None has appeared on behalf of respondent No.1 though served by way of publication in Eenadu daily newspaper dated 19.11.2024.

3. This application is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to resolve the disputes between the parties.

4. Facts giving rise to filing of this application briefly stated are that the parties have entered into an agreement of sale on 27.11.2017. Clause 11.1 of the aforesaid agreement contains an arbitration clause, which is extracted below for the facility of reference:

"11. Arbitration & Jurisdiction:

11.1 In the event of breach of the terms of this Agreement to Sale or in the event of any differences or disputes arising between the parties in regard to this agreement or any matter relating thereto, the same shall be in first place attempted to resolve mutually between the parties. Failing resolution, the same shall be referred to a sole arbitrator to be appointed by the parties with mutual consent and his award shall be final and binding on the parties hereto and arbitration shall be as per the provisions of the Arbitration and Conciliation Act, 1996 and amendments of year 2015 thereto in force. The Arbitration shall be conducted in English language and the place of arbitration shall be in Hyderabad.”

5. The dispute between the parties has arisen. Therefore, the applicants invoked the arbitration clause and sent a notice under Section 21 of the aforesaid Act on 10.07.2023. The respondents did not respond to the aforesaid notice. Thereupon, this application has been filed.

6. Learned counsel for the applicants submits that the dispute has arisen between the parties which requires resolution in the manner agreed to by the parties. Therefore, an arbitrator be appointed to adjudicate the dispute.

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7. I have considered the submissions made on behalf of the learned counsel for the applicants.

8. The parties have entered into an agreement of sale which contains an arbitration clause. The dispute has arisen between the parties which requires resolution in the manner agreed to by the parties.

9. Therefore, Sri Justice A. Santosh Reddy, a former Judge of this Court (resident of Plot No.46, H.No. 16-2-740/46, Kalyan Nagar, Gaddiannaram, New Malakpet, Hyderabad - 500060, Mobile No.9705053485) is appointed as sole arbitrator to adjudicate the dispute between the parties.

10. Accordingly, the arbitration application is allowed.

Miscellaneous applications pending, if any, shall stand closed. No order as to costs.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

el
SECTION OFFICER

To,

1. Sri Justice A Santosh Reddy, Former Judge of High Court, R/o. Plot No. 46, H.No. 16-2-740/46, Kalyan Nagar, Gaddiannaram, New Malakpet, Hyderabad - 500060
(Along with the Affidavit and Material Papers)
(By Special Messenger)
2. One CC to Mr V Seetharama Avadhani, Advocate [OPUC]
3. Two CD Copies

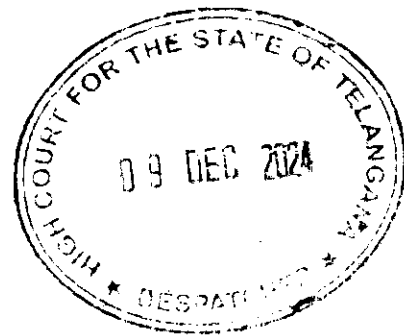
VADL *kp*

HIGH COURT

DATED:29/11/2024

ORDER

ARBAPPL.No.175 of 2024



ALLOWING THE ARBAPPL

5 Copies
[Signature]
21/12/24.