

[3374]

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 259 OF 2024

Between:

1. Yasmeen Abid, W/o. Late Syed Abid Ali, Aged about 52 years, R/o. H.No. 20-4-4194/7/a Shahlibanda, Hyderabad, TG-065.
2. Syed Arsalan Ali, S/o. Late Syed Abid Ali, Aged about 24 years, R/o. H.No. 20-4-4194/7/a, Shahlibanda, Hyderabad, TG-065.

...Applicants

AND

M/s. Jagan Travels, Rep. by Mr. Mahesh Reddy, Shop No.6-1-1081, Sri Krishna Complex, Beside Krishna Hotel, Lakdikapool, Khairathabad, Hyderabad.

...Respondent

Arbitration Application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 R/w. Scheme for Appointment of Arbitrator, 2000 to appoint a sole arbitrator for the purpose of adjudication of the disputes that have arisen between the Applicants and the Respondent in respect of Leave and License Agreement dated 05/12/2021 in the interest of justice.

**Counsel for Applicants : Mr. Mohd. Ismail Ashfaq representing
Mr. R.A. Achuthanand**

Counsel for the Respondent : None appeared

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.259 of 2024

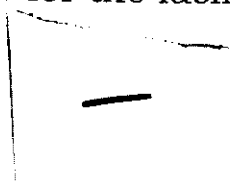
ORDER:

Mr. Mohd. Ismail Ashfaq, learned counsel represents Mr. R.A. Achuthanand, learned counsel for the applicants.

2. None has appeared on behalf of the respondent though served.

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 a leave and license agreement on 05.12.2021. Clause 6 of the aforesaid agreement contains an arbitration clause, which is extracted below for the facility of reference:



"IN CASE ANY DISPUTE:

In the event of any dispute as per the terms of this leave and license agreement or as to any matter or thing of whatsoever nature arising there under or in this leave and license agreement or in connection therewith the rights and liabilities of the parties under any of the aforesaid clauses and mode of payments of deposit and license fee of this document, then such dispute or difference shall be referred to the arbitration on the hand of the sole arbitrator duly appointed by both the parties and whose decision shall be final and binding on the parties. The proceedings shall be held at Hyderabad, in accordance with the Indian Arbitration and Conciliation Act, 1996."

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 in May, 2024. However, the respondent did not respond to the aforesaid notice. Thereafter, this application has been filed.

6. I have heard the learned counsel for the applicants.



7. From a perusal of the record, it is evident that the parties have entered into a leave and license agreement which contains an arbitration clause. The dispute has arisen between the parties which requires resolution in the manner agreed to by the parties.

8. Therefore, Mr. B.Sathaiah, former Principal District and Sessions Judge, Mancherial (resident of Flat No.202, NMSK SADAN, Road No.5, Sainagar, Nagole, Hyderabad, Mobile No.9052620494) is appointed as sole arbitrator to adjudicate the dispute between the parties.

9. Accordingly, the arbitration application is allowed.

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

sd/- A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

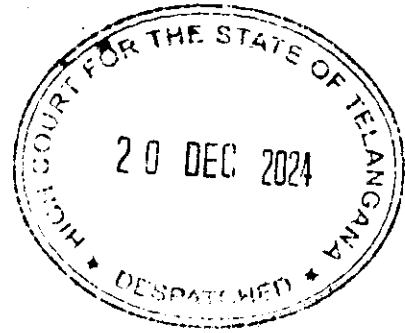
1. Mr. B. Sathaiah, former Principal District and Sessions Judge, Mancherial (resident of Flat No. 202, NMSK SADAN, Road No. 5, Sainagar, Nagole, Hyderabad, Mobile No. 9052620494). **(By special messenger) (along with a copy of affidavit and material papers)**
2. One CC to Mr. R.A. Achuthanand, Advocate [OPUC]
3. Two CD Copies

Njb/gh

[Signature]

HIGH COURT

DATED:11/12/2024



ORDER

ARBAPPL.No.259 of 2024

ALLOWING THE ARBITRATION APPLICATION

*Scopied
for
19/12/24*