

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

SATURDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 171 OF 2024

Between:

Sri. Sreenivasulu Chitti, S/o. Chitti Venkata Narasimhulu, Aged about 44 years, R/o. Flat No. 402, Sree Ranga Residency, Street No. 19, HMT Swamapuri Colony, Miyapur, Telangana- 500049. ...APPLICANT/ PETITIONER

AND

1. Pamayyagari Parameshwari, W/o. Late Pamayyagari Sathyanarayana, about 59 years, Housewife, R/o. H. No. 1- 9- 278/5/2/2, Balaji Nagar, Near Venkateswara Temple, Ramnagar Gundu, Hyderabad 500044, Telangana State
2. Pamayyagari Ramachander Goud, S/o. P. Arjun Goud, aged about 66 years, Occupation: cultivation, R/o. H. No. 6- 12, Tellapur 502302, Telangana State
3. Pamayyagari Pradeep Goud, S/o. P. Ramachander Goud, aged about 35 years, Occupation: cultivation, R/o. H. No. 6- 12, Tellapur 502302, Telangana State
4. Pamayyagari Hari Krishna Goud, S/o. Late Pamayyagari Arjun Goud, aged about 66 years, Occupation: cultivation, R/o. H. No. 6- 11, Tellapur - 502302, Telangana State
5. Pamayyagari Pandu Goud, S/o. Late P. Gurulingam Goud, aged about 79 years, Occupation: cultivation, R/o. H. No. 4- 29, Tellapur 502302, Telangana State
6. Pamayyagari Bhoopal Goud, S/o. Sri. P. Pandu Goud, aged about 47 years, Occupation: cultivation, H. No. 4- 29, Tellapur 502302, Telangana State
7. Pamayyagari Venu Goud, S/o. Sri. P. Pandu Goud, aged about 43 years, Occupation: cultivation, R/o. Beside Hanuman Temple, Tellapur 502302, Telangana State
8. Sri. Pamayyagari Karan Goud, S/o. Sri. (late) P. Gurulingam Goud, aged about 66 years, Occupation: cultivation, H. No. 4- 30, Tellapur 502302, Telangana State
9. Pamayyagari Sridhar Goud, S/o. Sri. P. Karan Goud, aged about 44 years, Occupation: cultivation, H. No. 4- 57 /4, Near Pochamma Temple, Tellapur 502302, Telangana State

10. Pamayyagari Arun Goud, S/o. Sri. P. Karan Goud, aged about 43 years, Occupation: cultivation, R/o. H. No. 3- 54/2A, Hanuman Temple, Tellapur 502302, Telangana State
11. Pamayyagari Santosh Goud, S/o. Sri. P. Karan Goud, aged about 41 years, Occupation: cultivation, R/o. H. No. 4- 30, Tellapur, Telangana State
12. Pamayyagari Meghanath Goud, S/o. Sri (Late) P. Narayana Goud, aged about 56 years, Occupation: cultivation, R/o. H. No. 4- 20, Tellapur 502302, Telangana State
13. Pamayyagari Nishanth Goud, S/o. Meghanath Goud, aged about 30 years, Occupation: cultivation, R/o. H. No. 4- 20, Tellapur 502302, Telangana State.
14. Sri. Pamayyagari Vishal Goud, S/o. Sri Meghanath Goud, aged about 28 years, Occupation: cultivation, H. No. 4- 20, Beside Hanuman Temple, Tellapur 502302, Telangana State
15. Sri Pamayyagari Narsing Rao (Babu Goud), S/o. Sri. (late) Pamayyagari Venkat Krishnaiah Goud, about 63 years, Occupation: Cultivation, resident of H.No. 6-12, Tellapur, Sangareddy District, Telangana State
16. Sri Pamayyagari Harish Goud, s/o. Sri. P. Narsing Rao Goud, about 36 years, Occupation: Cultivation, resident of H.No. 6-12, Tellapur, Sangareddy District, Telangana State
17. Sri Pamayyagari Avinash Goud, s/o. Sri. P. Narsing Rao Goud, aged about 32 years, Occupation: Cultivation, resident of H.No. 6-12, Tellapur, Sangareddy District, Telangana State
18. Sri Pamayyagari Surender Goud, s/o. Sri. (late) Pamayyagari Venkat Krishnaiah Goud, about 50 years, Occupation: Cultivation, resident of H.No. 6-12, Tellapur, Sangareddy District, Telangana State
19. Sahiti Constructions, a registered Partnership Firm having its principal place of business at Flat No. 102, hara's Habitat, Jaihind Layout, Madhapur, Hyderabad 500081, Telangana State, represented by its partner Smt. B. Parvathi, W/o. B. Lakshmi Narayana

...RESPONDENTS

Arbitration Application Under Section 11 (6) of Arbitration & Conciliation Act, 1996 praying that this Hon'ble Court may be pleased to appoint a Sole Arbitrator for the purpose of adjudication of the disputes that have arisen between applicant and the Respondents 1 to 19 in respect of the terms of the Agreement of Sale dated 25/09/2019. Lest serious loss would ensue to applicant.

**Counsel for the Applicant : Ms. V. SOUBHAGYA VALLI, represents
SRI. V. SEETHARAMA AVADHANI**

Counsel for the Respondents: NONE APPEARED

The Court made the following ORDER:

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No. 171 of 2024

ORDER:

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

2. Office report indicates that notice issued to
respondent Nos.1, 12, 14 and 19 has been served,
whereas, respondent Nos.2 to 11, 13, 15, 16, 17 and 18
have refused to accept the notice. Thus, the said
respondents are deemed to be served. However, none
appears on behalf of the respondents.

3. This application is filed under Section 11(6) of the
Arbitration and Conciliation Act, 1996 seeking
appointment of sole 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 dated 25.09.2019. Clause 'P' of the aforesaid

agreement contains an arbitration clause, which is extracted below for the facility of reference:

“a) Any dispute arising between the parties hereto with respect to any matter under this agreement or touching upon the meaning construction or interpretation of any of the clauses herein, shall be referred to an arbitrator as per the law of arbitration, which may be in force and applicable. The venue of Arbitration and Jurisdiction for all purposes shall be Hyderabad alone.”

5. The applicant sent legal notice dated 09.05.2023 to the respondents, but the respondents failed to respond to the aforesaid notice.

6. Dispute has arisen between the parties which requires resolution in the manner agreed to by the parties.

7. A Bench of this Court by an order dated 02.02.2024 passed in similar application being Arbitration Application No.156 of 2023 has appointed Dr. Justice Shameem Akther, a former Judge of this Court as sole arbitrator to adjudicate the dispute between the parties.

8. Therefore, in the instant case also, Dr. Justice Shameem Akther, a former Judge of this Court (resident of Flat No.6F, Sixth Floor, Mayfair Apartment, Block-B, H.No.8-2-269/3/MF/F-6, Road No.2, Banjara Hills, Sri Nagar Colony, Hyderabad-34; Mobile No.8331998534), 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/- M. VIJAYA BHASKER
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Dr. Justice Shameem Akther, former Judge of High Court for the State of Telangana at Hyderabad R/o. Flat No. 6F, Sixth Floor, Mayfair Apartment, Block -B, H.No. 8-2-269/3/MF/F-6, Road No. 2, Banjara Hills, Sri Nagar Colony, Hyderabad - 34; Mobile No. 8331998534 (By Special Messenger) (along with a copy of affidavit and material papers)
2. One CC to SRI. V. SEETHARAMA AVADHANI, Advocate [OPUC]
3. Two CD Copies

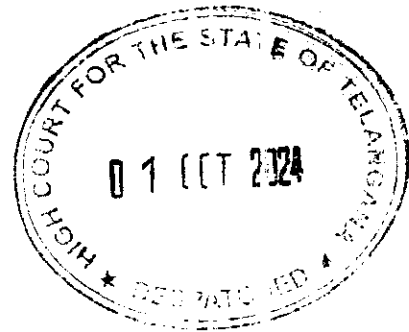
V. A.

HIGH COURT

DATED:21/09/2024

ORDER

ARB.APPL.No.171 of 2024



ALLOWING THE ARBITRATION APPLICATION

⑥ VLW
30/9/24