

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 239 OF 2024

Between:

Sri K. Shiva Prakash, S/o. K. BalaRaju, Aged about 29 years, R/o. Flat No. 14-350/7/B, H B colony, Nagar Karnool, Hyderabad, Telangana- 509209

...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 6-12, Ramachandrapuram, Tellapur, Sangareddy District, Telangana State.
16. Sri. Pamayyagari Harish Goud, S/o. Sri. P. Narsing Rao Goud, about 36 years, Occupation. Cultivation, resident of 6-12, Ramachandrapuram, 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 6-12, Ramachandrapuram, 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 6-12, Ramachandrapuram, Tellapur, Sangareddy District, Telangana State.
19. Sahiti Constructions, a registered Partnership Firm having its principal place of business at Plot No. 1222, H.No. 8-2-293/82/A/1222/ F4, Fourth Floor, Road No. 36, Jubilee Hills, Hyderabad 500 033, Telangana State, represented by its Partner, Smt. B. Parvathi, W/o. B Lakshmi Narayana, Hyderabad 500081, Telangana State.

...Respondents

Arbitration Application filed under Section 11(6) of Arbitration and Conciliation Act, 1996 read with scheme for Appointment of Arbitrators, 1996 praying that for the reasons stated in the accompanying affidavit, the Hon'ble Court may be pleased to appoint a Sole Arbitrator for the purpose of adjudication of the disputes that have arisen between Petitioner and the Respondents 1 to 19 in respect of the terms of the Agreement of Sale dated 21.09.2019.

**Counsel for the Applicant : Ms. V. Soubhagya Valli, representing
Mr. V. Seetharama Avadhani**

Counsel for Respondents : None appeared

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.239 of 2024

ORDER:

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

2. Office report indicates that notice issued to respondent No.1 has been served, whereas notice issued to respondent No.19 was returned as 'unclaimed' and notice issued to respondent Nos.2 to 18 was returned as 'refused'. 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

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Agreement of Sale dated 21.09.2019. 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/- A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Dr. Justice Shameem Akther, Former Judge of High Court for the State of Telangana, 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 Mr. V. Seetharama Avadhani, Advocate [OPUC]
3. Two CD Copies

Njb/gh

Fr

HIGH COURT

DATED:06/12/2024



ORDER

ARBAPPL.No.239 of 2024

**ALLOWING THE ARBITRATION APPLICATION
WITHOUT COSTS**

5 copies
for
17/12/24