

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: 216 OF 2024

Between:

Kommuri Nagarjuna, S/o. Kommuri Prasad, Aged 37 yrs, R/o. Flat No. A-304,
Divine Allura, Rd. No. 6, Jawahar Colony, Hyderabad, Telangana-500050

...Applicant

AND

1. Smt. Pamayyagari Parameshwari, W/o. Sri. late Sri Pamayyagari Sathyanarayana, about 59 years, Housewife, H.No. 1-9-278/5/2/2, Balaji Nagar, Near Venkateswara Temple, Ramnagar Gundu, Hyderabad 500044, Telangana State.
2. Sri. Pamayyagari Ramachander Goud, S/o. Sri. P. Arjun Goud, aged about 66 years, Occupation Cultivation, H.No.6-12, Tellapur 502302, Telangana State.
3. Sri. Pamayyagari Pradeep Goud, S/o. Sri. P. Ramachander Goud, aged about 35 years, Occupation Cultivation, H.No.6-12, Tellapur 502302, Telangana State
4. Sri. Pamayyagari Hari Krishna Goud, S/o. Late Pamayyagari Arjun Goud, aged about 66 years, Occupation cultivation, H.No.6-11, Tellapur - 502302, Telangana State
5. Sri. Pamayyagari Pandu Goud, S/o. Sri. (late) P. Gurulingam Goud, aged about 79 years, Occupation Cultivation, H.No. 4-29, Tellapur 502302, Telangana State
6. Sri. Pamayyagari Bhoopal Goud, S/o. Sri. P. Pandu Goud, aged about 47 years, Occupation Cultivation, H. No. 4-29, Tellapur 502302, Telangana State
7. Sri. 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. Sri. 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. Sri. 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. Sri. 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. Sri. 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. Sri. Pamayyagari Nishanth Goud, S/o. Sri 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 502302, Telangana State
16. Sri. Pamayyagari Harish Goud, S/o. Sri. P. Narsing Rao Goud, about 36 years, Occupation Cultivation, resident of 9-3 /1, H.No.6-12, Tellapur 502302, 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 502302, 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 502302, Telangana State
19. Sahiti Constructions, A registered Partnership Finn having its principal place of business at Flat No. 102, Haras Habitat, Jaihind Layout, Madhapur, Hyderabad 500081, Telangana State, represented by its Manager and authorized signatory, Mr Eathamokkala Bhaskar Naidu, S/o. Mr Pandurangaiah Naidu Eathamokkala, aged about 49 years, Residing at Plot No. 1222. 4th Floor, Sahiti Sreshta, Road No. 36, Jubilee Hills Check Post, near Metro Railway Station, Jubilee Hills, Hyderabad Telangana - 500033

...Respondents

Application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 praying that the Hon'ble Court may be pleased to appoint a Sole Arbitrator for the purpose of adjudication of the disputes that have arisen between us and the Respondents 1 to 19 in respect of the terms of the Agreement of sale dated 07.11.2020.

**Counsel for the Applicant : 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.216 of 2024

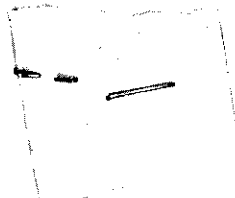
ORDER:

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 Nos.1 and 19 has been served, whereas 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 Agreement of Sale dated 07.11.2020. Clause 'P' of the



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

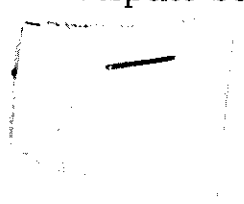
"P. ARBITRATION:

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//

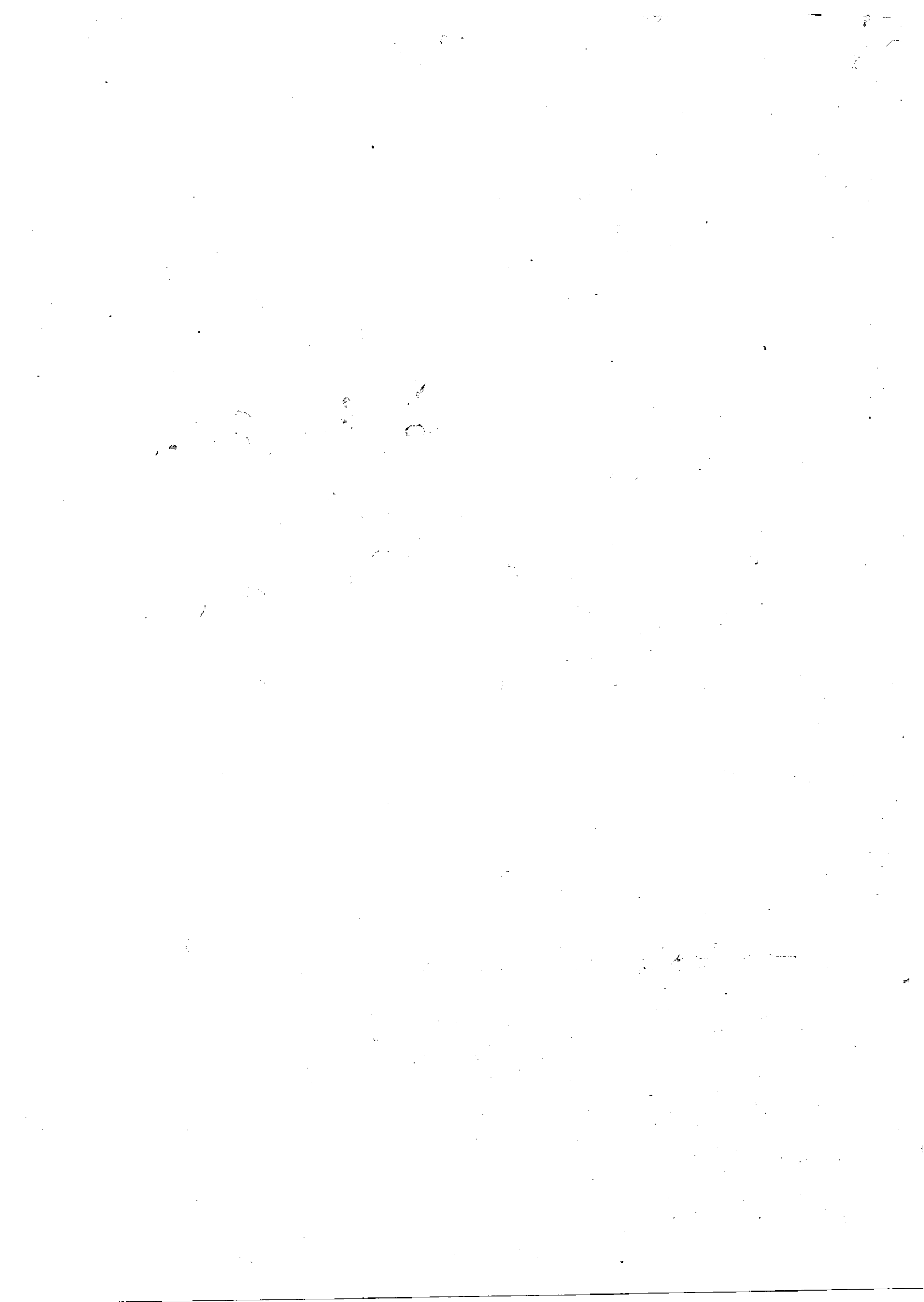
SECTION OFFICER

To,

1. Dr Justice Shameem Akhter, Former Judge of High Court, 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
(Along with the Affidavit and Material Papers)
(By Special Messenger)
2. Smt. Pamayyagari Parameshwari, W/o. Sri. late Sri Pamayyagari Sathyanarayana, H.No. 1-9-278/5/2/2, Balaji Nagar, Near Venkateswara Temple, Ramnagar Gundu, Hyderabad 500044, Telangana State.
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19. Sri. Pamayyagari Surender Goud, S/o. Sri. (late) Pamayyagari Venkat Krishnaiah Goud, R/o. H.No.6-12, Tellapur 502302, Telangana State
20. Mr Eathamokkala Bhaskar Naidu, S/o. Mr Pandurangaiah Naidu Eathamokkala, Sahiti Constructions, A registered Partnership Firm having its principal place of business at Flat No. 102, Haras Habitat, Jaihind Layout, Madhapur, Hyderabad 500081, Telangana State
R/o. Plot No. 1222. 4th Floor, Sahiti Sreshta, Road No. 36, Jubilee Hills Check Post, near Metro Railway Station, Jubilee Hills, Hyderabad Telangana - 500033
21. One CC to Mr V Seetharama Avadhani, Advocate [OPUC]
22. Two CD Copies

VA *kg*



HIGH COURT

DATED:06/12/2024

ORDER

ARBAPPL.No.216 of 2024



ALLOWING THE ARBAPPL

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