

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
05.08.2026PRONOUNCED ON
01.09.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb O.P.No.40 of 2026

C.S.Sanjay Reddy

... Petitioner

Vs

1.Kennel Club of India,
Rep., by its Secretary,
No.28, AA Block, First Street,
Anna Nagar, Chennai – 600 040.

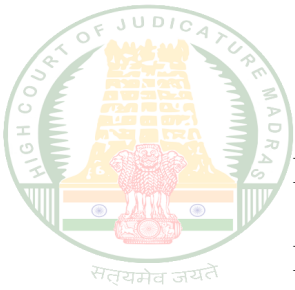
2.The Chairman,
Kennel Club of India,
No.28, AA Block, First Street,
Anna Nagar, Chennai – 600 040,

3.The Secretary cum Treasurer,
Kennel Club of India,
No.28, AA Block, First Street,
Anna Nagar, Chennai – 600 040.

4.Ms.Gauri Nargolkar,
“Renaissance” 1st Floor,
1277A, Jangli Maharaj Road,
Pune -411 004.

..Respondent(s)

PRAYER:- This Petition had been filed under Section 11(6) of the Arbitration and Conciliation Act 1996 to appoint an Arbitrator to adjudicate upon the disputes that have arisen between the petitioner and the respondents regarding the appointment of the 4th respondent as an All Breed Judge by the 1st respondent society.



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For Petitioner(s):

Mr.V.G.Suresh Kumar

For Respondent(s):

Mr.R.Srinivas Sr., counsel for
Mrs.Mythili Srinivas for RR1 to R4

ORDER

The Arbitration Original Petition had been filed to appoint an Arbitrator to adjudicate upon the disputes that have arisen between the petitioner and the respondents regarding the appointment of the 4th respondent as an All Breed Judge by the 1st respondent society.

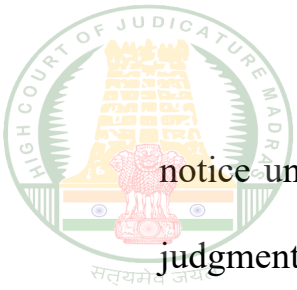
2. Heard Mr.V.G.Suresh Kumar, learned counsel appearing for the petitioner and Mr.R.Srinivas learned Senior counsel appearing Mrs.Mythili Srinivas learned counsel appearing for the respondents 1 to 4.

3. The learned counsel appearing for the petitioner would submit that the present petition had been filed for appointment of an Arbitrator of a dispute that had arisen under the by-laws of the first respondent society, which contains a clause of Arbitration. The primordial issue of dispute is with regard to the elevation of the fourth respondent as a Judge in the first respondent society without proper qualification. He would submit that the petitioner had earlier filed a Suit in O.S.No.7961 of 2021 challenging the appointment of the fourth respondent as an All Breed Judge by the first respondent society as null and



void. In the said Suit an application had been filed by the respondents 1, 3 & 4 invoking Section 8 of the Arbitration and Conciliation Act wherein the plaint was rejected and the parties were referred to arbitration on the issue. The petitioner had filed an Appeal Suit which came to be dismissed and thereafter filed a Second Appeal in which the petitioner filed an affidavit indicating that he would take the route of arbitration proceedings, had withdrawn the Second Appeal. Hence, he seeks this Court to appoint an Arbitrator for resolution of the dispute among the parties. In that connection, he would also submit that there was no necessity for issuance of Section 21 notice.

4. Countering his arguments, the learned Senior counsel appearing for the respondents 1 to 4 would submit that the present Petition under Section 11 itself is hopelessly time barred. He would submit that the petitioner wantedly dragged on the issue by filing an appeal against the order under Section 8 and thereafter, pursuing the same to the Second Appeal before this Court. He would further submit that Section 21 notice had not been issued before approaching this Court and on that ground, the petition itself is deficient and not maintainable. He would take this Court to Section 11 of the Arbitration Act to contend that only on initiation of notice under Section 21, an application could be filed, as it contemplates 30 days time to approach this Court for appointment of an Arbitrator, on a failure of the recipient of the Section 21 notice to respond to the same or do not agree with the Arbitrator so nominated by the person issuing the



notice under Section 21. In support of his arguments, he had relied upon the judgment of the Hon'ble Apex Court in the case of *Arif Azim Company Limited vs. Aptech Limited* reported in (2024) 5 SCC 313 to contest that a deadwood cannot be resurrected by filing a belated application and in the very same context, he had also relied upon the judgment of the Hon'ble Apex Court in the case of *SBI General Insurance Company Limited vs. Krish Spinning* reported in (2024) 12 SCC 1. In support of his contentions that Section 21 notice is mandatory, he had relied upon the judgment of the Hon'ble Apex Court in the case of *Adavya Projects Private Limited vs. Vishal Structurals Private Limited & Ors.*, reported in (2025) 9 SCC 686 & *Rengenta Hotels Private Limited vs. Hotel Grand Centre Point & Ors.*, reported in (2026) 4 SCC 142. He would submit that Section 21 notice is also mandatory for enabling this Court to calculate the period of limitation for initiation of Section 11 proceedings. Hence, he prays this Court to dismiss this Petition.

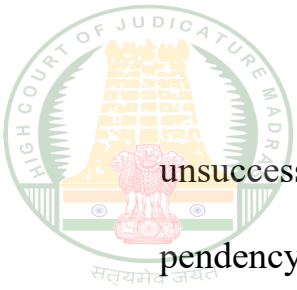
5. In reply, the learned counsel appearing for the petitioner would submit that the question of limitation cannot be made applicable to the facts of this case, as the petitioner had been pursuing his remedy as available under law and in that context, the periods spent on those proceedings have to be excluded in counting the period of limitation. In that context, he had relied upon the judgment of the Hon'ble Apex Court in the case of *State of Goa vs. Western Builders* reported in (2006) 6 SCC 239, *M.P.Steel Corporation vs.*



Commissioner of Central Excise reported in **(2015) 7 SCC 58**. He had relied upon a judgment of this Court in the case of **Globe Detective Agencies Pvt., Ltd., & Anr., vs. Gammon India Ltd.**, reported in **2019 SCC Online Mad 39355** to contend that in an application filed under Section 11, there was no necessity of a Section 21 notice as the requirement of Section 21 notice is for the limited purpose to put on notice the other party as to what the claims and that such claims are within the purview of limitation and not barred by any law and also to indicate the Arbitrator is to be appointed. He had also pointed out that the Court had held that when a Section 11 applications had been made pursuant to an order made under Section 8 in a Suit then there is no necessity for Section 21 notice.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

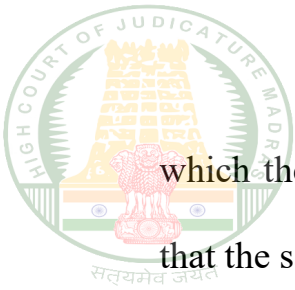
7. In a dispute that had arisen between the parties, the petitioner herein earlier approached a competent Civil Court seeking various reliefs, in which the respondents had taken out an application under Section 8 of the Arbitration and Conciliation Act along with Order 7, Rule 11 application for rejection of the plaint. The Court finding that the disputes have to be referred to an Arbitration, had ordered the application under Section 8 and had consequently rejected the plaint. The said order had been carried on appeal by the petitioner



unsuccessfully against which he had also filed a Second Appeal only during the pendency of the proceedings, the petitioner had filed the present Original Petition, which was reported before the Court while dealing with the Second Appeal and recording the same, the Second Appeal was closed.

8. The provisions of Section 14 of the Limitation Act excludes the period of time spent by a litigant in a wrong forum from calculating the period of limitation, if the same had been made bonafidely. In the present case, the petitioner had only exercised his right of appeal as against an order passed under Section 8 and had become wiser to proceed with arbitration proceedings, when the Second Appeal was pending. In such an event, the benefit under Section 14 of the Limitation Act would be squarely applicable to the case of the petitioner. Hence, the grounds of limitation as raised by the petitioner stands negatived.

9. On the issue of Section 21 notice, it is true that for filing a petition under Section 11 for appointment of an Arbitrator, it is necessary that the party should be governed by a clause for Arbitration and that the party invoking the arbitration should put the other party on notice of the dispute that had arisen and the intention to appoint an Arbitrator for resolution of the dispute as provided under the agreement. In the present case, the petitioner had initiated a Suit disclosing the details of the dispute that had arisen between the parties in



which the respondent had taken out an Application under Section 8 indicating that the said dispute could only be resolved in the process of arbitration.

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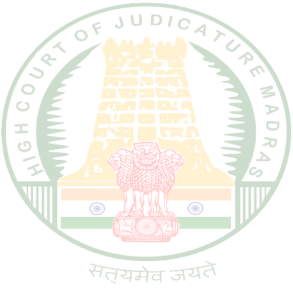
10. In such view of the matter, this Court does not find any necessity for issuance of Section 21 notice and in that regard, this Court is also supported by the judgment of the learned Single Judge of this Court in the case of ***Globe Detective Agencies Pvt., Ltd., & Anr., vs. Gammon India Ltd.***, reported in ***2019 SCC Online Mad 39355***.

11. For the aforesaid reasons, I do not find any impediment to appoint an Arbitrator and accordingly, this Court appoints **Hon'ble Mr. Justice T.S. Sivagnanam**, (Cell No.9445373838) former Chief Justice of Calcutta High Court residing at C-31, Pamposh Enclave, Greater Kailash-I, New Delhi – 110048. The Sole Arbitrator is requested to enter upon the reference and resolve the disputes between the parties. He is entitled to fix his own fees.

12. In fine, the Arbitration Original Petition is ordered. However, there shall be no order as to costs.

01.09.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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K.KUMARESH BABU, J.

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A Pre-delivery Order made in
Arb O.P.No.40 of 2026

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