



WEB COPY

A No. 1778 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A No. 1778 of 2026

in ARB O.P.(COM.DIV.) No.238 of 2024

1. T.Ravichandran
S/o.M.Thangavel

2. P.Nepolian,
S/o.Panneerselvam

..Applicants

Vs

1. Mrs.Parimala Raju
W/o.Kalaignar Thangaraju @ Kailash,
2. M/s.Golden Fish Meal and Fish Oil Company,
Plot No.1A, SF No.68 and 69,
SIPCOT Complex,
Semmenkuppam,
Cuddalore - 607 005.
3. S.Shahul HAMEED
S/O.Syed Sahabudeen,
4. N.Murugesan
S/o.Nallathambi,
5. M.Gajendiran
S/o.Muthusamy,

..Respondents

Application filed under Order XIV Rule 8 of O.S. Rules read with Order IX Rule 9 of O.S. Rules, to set aside the order of dismissal passed on 20.08.2025 and restore Arb.O.P.(Com.Div) No.238 of 2024 to file.



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For Applicants : Mr.M.Vaidhiyanathan
for Ms.R.Sahana

For Respondents : Mr.M.Nandha Kumar [R1]
Mr.S.Mohamed Uduman [RR2, 3, 5]
Mr.K.T.S.Sivakumar [R4]

ORDER

This application has been filed to set aside the order of dismissal passed by this Court on 20.08.2025 and restore the Arb.O.P(Com.Div) No.238 of 2024.

2. Mr.M.Nandha Kumar, learned counsel for the 1st respondent/award holder vehemently opposed this application.

3. The learned counsel appearing for the petitioners would submit that a counsel, who had been engaged by them earlier has withdrawn his vakalat without notice to them and therefore, the petitioners were not represented before this Court and this Court recorded the earlier orders passed by this Court had dismissed the petition as the settlement was not reported to this Court on the said date.

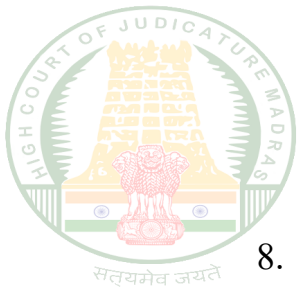
4. In that regard, it will be useful to note the various orders passed by this Court from 17.06.2025 in the Arbitration Original Petition.



5. By order dated 17.06.2025, this Court had recorded that the learned counsel have made a joint endorsement in the Court bundle that a joint effort will be made by the petitioners and the respondents 2 to 5, who are the judgment debtors to sell the machineries, which are now lying idle and also to sell the immovable property standing in the name of the partnership firm and use the sale proceeds to discharge the claim of the decree holder. Recording the same, the matter was directed to be listed on 23.07.2025.

6. On 23.07.2025 over the caveat that, if the settlement is not reported on the next date of hearing, this Court would consider dismissing the petition under Section 34 of the Arbitration and Conciliation Act, 1996, the case was further adjourned. Again on 23.07.2025, the learned counsel appearing for the respondents are agreeable to sell the properties to the buyer for a sum of Rs.3.5 Crores, however, the learned counsel appearing for the petitioners requested some more time to negotiate with the buyer. Hence, the matter stood adjourned to 11.08.2025 for reporting compliance.

7. On 11.08.2025, recording the undertaking that on receipt of the consideration from the prospective buyer, a sum of Rs.2.5 Crores to be paid to the 1st respondent/decreed holder, the matter stood adjourned to 20.08.2025.

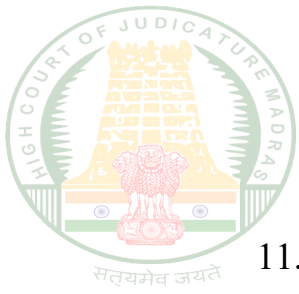


8. On 20.08.2025, the learned counsel for the petitioners was absent.

However, the learned counsel for the decree holder and the other respondents, who had suffered with an award were present and this Court recording the earlier proceedings and having found that the undertaking given by the petitioner as well as the respondents 2 to 5, which was recorded on 17.06.2025 having not been fulfilled, proceeded to dismiss the Original Petition.

9. Today, a query was raised by this Court to the learned counsel for the respondents 2 to 5 as to why they had not reported to the Court with regard to the sale to the prospective purchaser, to which, they had in unison submitted that still they have a prospective buyer and it is only the petitioner, who is the partner of the partnership firm who has suffered with an award stand in the way of settlement being arrived at.

10. It is further to be noted that, even prior to the present O.P, the award holder had filed execution petitions for implementation of the award and had also been benefitted with the order of arrest of the judgment debtors. It is also brought on record that as against the same Civil Revision Petitions were filed by the 1st petitioner and wherein, a conditional order was passed to deposit a sum of Rs.50 lakhs. However, the petitioner having no liquidity, has filed an application seeking to furnish security.



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11. The learned counsel for the respondents 2 to 5 on the other hand would submit that the said property belongs to the firm and it is not the absolute property of the partnership firm. This Court would not enter upon those issues and it can be dealt with in the Civil Revision Petitions.

12. Considering the fact that, a statement had been made by the petitioner and the respondents 2 to 5 jointly on 17.06.2025 to make good the payment to the decree holder/1st respondent on an agreed amount of Rs.2.5 Crores, which the learned counsel for the decree holder agree to receive as full satisfaction of the award passed in both the cases, this Court is of the view that a conditional order could be passed directing the petitioner to deposit a sum of Rs.1.25 Crores within a period of four (4) weeks from today. Accordingly, this application stands allowed, and on the condition being complied with, Arb.O.P.(Com.Div.) No. 238 of 2024 shall stand restored to its original file. No costs.

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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