

WEB COPY

A No. 2075 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**A No. 2075 of 2026
in ARB O.P No. 82 of 2023**

1. Southern Asia Division of Seventh Day
Adventists (SUD)
Represented by its President,
Jeevan Jyothi Campus,
HCF, Hosur, Tamil Nadu.
2. South East India Union of Seventh Day
Adventists (SEIU)
Represented by its President,
No.197, GST Road,
Vandalur, Chennai - 600 048.

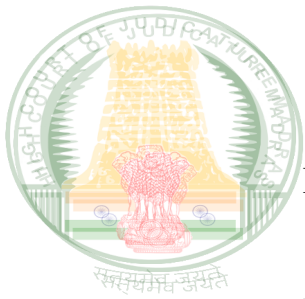
..Applicants

Vs

Pastor Sam Sudhakar
S/o.Late.Pastor E.V.Samuel,
No.25, Benwells Road,
Tiruchirapalli - 620 001.

..Respondent

Application filed under Order XIV Rule 8 read with Order XXXIX Rule 9 of O.S. Rules read with Section 151 of CPC, to allow this payment out application and direct the registry for payment out by issuing a cheque for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) in favour of South East India Union of Seventh Day Adventists the 2nd Applicant and 2nd Petitioner in Arb.O.P.No.82 of 2023.



For Applicant : Mr.Godson Swaminath
for M/s.Isaac Chambers

For Respondent : No appearance

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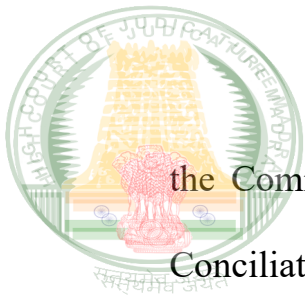
ORDER

This application has been filed to allow this payment out application and direct the registry for payment out by issuing a cheque for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) in favour of the 2nd Applicant herein/ 2nd Petitioner in Arb.O.P.No.82 of 2023.

2. Heard the learned counsel for the applicant.

3. In spite of service of notice on the respondent, he had entered appearance through counsel and whose vakalat has been returned on 17.06.2026 and the name of the respondent has also been printed in the cause list, however, there is no appearance on the side of the respondent.

4. Pursuant to a conditional order dated 31.07.2025, the applicant deposited a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) in the Arbitration Original Petition [Arb.O.P] to stay the execution proceedings. It is further to be noted that the said order had been made to treat the Arbitration Original Petition [Arb.O.P] as an arbitration OP falling within the Commercial Division of this Court. However, this Court finds that the present arbitration OP does not within



the Commercial Division and it is regular Section 34 of the Arbitration and Conciliation Act, 1996 [in short, 'the Act'] petition. This is evident from various orders passed by this Court as well as entire records of the case.

5. By an order dated 09.10.2025, the Section 34 petition was allowed and the award passed by the learned Arbitrator was set aside. Additionally, a cost of Rs.5,00,000/- (Rupees Five Lakhs only) was imposed on the respondent, payable to the petitioner. Even though it has been brought to the notice earlier that, Section 37 appeal had been preferred, however, as on date, there is no order passed benefitting the respondent from seeking the refund of the conditional order dated 31.07.2025.

6. In view of the same, this Court finds no impediment in allowing this application as prayed for and accordingly, this application stands ordered.

7. Registry is directed to withdraw the amount deposited pursuant to the conditional order passed in Arb.O.P.82 of 2023 together with accrued interest and pay the same to the petitioner in the present application.

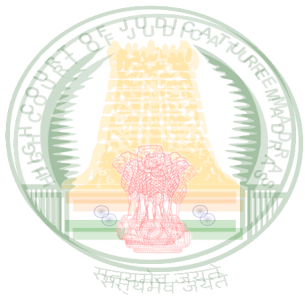
15-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

mp



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K.KUMARESH BABU J.

mp

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