

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

C.R.P.M.P.No.2791 of 2015 in/and C.R.P.No.5081 of 2014

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ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

C.R.P.No.5081 of 2014, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.1 aggrieved by the order dated 17.11.2014 in I.A.No.2187 of 2014 in O.S.No.736 of 2012 passed by the III Additional Chief Judge, City Civil Court, Hyderabad, dismissing the application filed by it under Section 8 of the Arbitration and Conciliation Act, 1996, seeking to refer the dispute which is the subject matter of the suit in O.S.No.736 of 2012 to an Arbitrator nominated by the petitioner company and the proceedings in the suit may be stayed till resolution of dispute by the Arbitrator.

2. The 1st respondent/plaintiff-Company has filed the aforesaid suit for recovery of a sum of Rs.25,00,000/-. In the said suit, the petitioner/defendant No.1 has filed an application being I.A.No.2187 of 2014 for the aforesaid relief. After considering the material on record, the Court below has dismissed the said application through the impugned order dated 17.11.2014. Hence, the present civil revision petition. This Court, while admitting the revision, by order dated 21.01.2015, granted interim stay, as prayed for.

3. During the pendency of the revision, the petitioner/defendant No.1 has filed a petition being C.R.P.M.P.No.2791 of 2015 under Order 23 Rule 3 of C.P.C., seeking to record compromise in the revision, thereby

dismissing the suit O.S.No.736 of 2013 as withdrawn, in terms of Memorandum of Compromise dated 15.6.2015 entered between the petitioner/defendant No.1 and the 1st respondent/plaintiff, which was signed by both the parties along with their advocates. In the affidavit filed in support of the petition, it is stated that during the pendency of the revision, the disputes between both the parties are settled and the 1st respondent/plaintiff has agreed to withdraw the suit on condition of the petitioner/defendant No.1 paying a sum of Rs.20,50,000/- (Rupees twenty lakhs fifty thousand only), which is payable at the time of withdrawal of the suit.

4. When the matter is called, both the parties are present before this Court along with their advocates, who identified the respective parties, and requested to dispose of the civil revision petition in terms of the said Memorandum of Compromise dated 15.6.2015.

5. In view of the settlement arrived at between the parties pursuant to the Memorandum of Compromise dated 15.6.2015, C.R.P.M.P.No.2791 of 2015 is allowed. Consequently, C.R.P.No.5081 of 2014 is disposed of in terms of the Memorandum of Compromise dated 15.6.2015. The terms of Memorandum of Compromise dated 15.6.2015 shall form part of the order.

6. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

16.06.2015.

NOTE: Issue C.C. today.

(B/O)

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY
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