

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

O.S.A. No.17 of 2016

and C.M.P.No.2150 of 2016

M/s.Rishabh Infopark Private Limited
Rep. by its Authorised Signatory,
Mr.R.Ravi. ... Appellant

-vs-

M/s.Thoughtworks Technologies (India)
Private Limited, Rep. by its
Authorized Signatory, S.Govindarajan. ... Respondent

Appeal filed under Order XXXVI Rule 11 of O.S. Rules read with Clause 15 of the Letters Patent and Section 483 of the Companies Act, against the judgment and order dated 17.11.2015 in Appln.No.6265 of 2014 in C.S.No.650 of 2014 on the Original Side of this Court.

For Appellant : Mr.Vaibhav R.Venkatesh
for M/s.Nithyaesh and Vaibhav

For Respondents : Mr.R.Thiagarajan

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard the learned counsel for parties.

2.Learned counsel for parties have obtained instructions. It is agreed that the appeal be disposed of in the following terms:

- 1.The impugned order of the learned Single Judge dated 17.11.2015 be set aside;

2. The application filed by the appellant being Application No.6437 of 2015 under Section 8 of the Arbitration and Conciliation Act, 1996, is allowed;
3. That the disputes inter se the parties forming subject matter of the suit be referred to the sole arbitration of Mr.N.Authinathan, a retired District Judge. The arbitration be held under the aegis of the Madras High Court Arbitration Centre and the parties are governed by the Rules of the Centre.
4. As a measure of interim relief, a sum of Rs.10,00,000/- (Rupees ten lakhs only) will be paid by the appellant to the respondent subject to the final outcome of the arbitration proceedings instead of any other plea for security or otherwise made by the respondent;
5. The amount be paid within four (4) weeks failing which the defence of the appellant will be struck off before the Arbitrator.

3. At this stage, learned counsel for parties suggest that before proceeding with the aforesaid procedure for arbitration, the parties may be relegated initially to a mediation, failing which the aforesaid procedure would apply. For the said purpose, the parties have agreed to appear before the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, on 25.02.2016 at 2.00 p.m. Two months window is granted for arriving at a settlement. If the matter is not resolved, the aforesaid procedure will apply subject to of course any extension of time which may be granted by this Court for mediation.

4. The appeal stands disposed of in the aforesaid terms, leaving the parties to bear their own costs. We appreciate the stand taken by the lawyers to end the possibility of multifarious disputes.

5. List for report of the Mediator on 26.04.2016.

11.2.2016

This matter having been posted for Mediator report on this Tuesday the 26th day of April 2016 in the presence of Mr.Vaibhav R. Venkatesh Advocate for the appellant and of Mr.R. Thiagarajan, Advocate for the respondent the court made the following order:-

The Mediators report shows that the Mediation has been successful. The Mediation report encloses the Memo of Compromise to be filed in the suit. We have thus separately passed orders in the suit.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar,
Original Side, High Court,
Madras

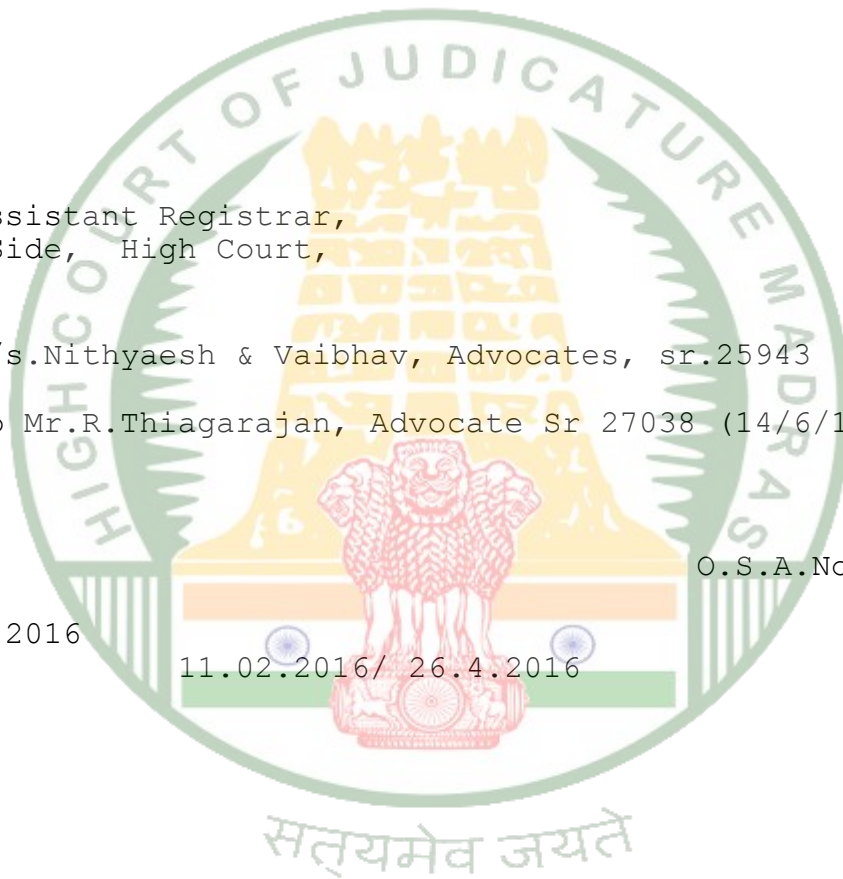
1 cc to M/s.Nithyaesh & Vaibhav, Advocates, sr.25943

+ 2 ccs to Mr.R.Thiagarajan, Advocate Sr 27038 (14/6/16)

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