

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM :

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CMA.No.569 of 2003

and CMP.No.4639 of 2003
and Cross Obj.No.58 of 2005

Union of India
Prasar Bharathi
rep by the Executive Engineer
Civil Construction Wing
All India Radio,
14, Taluk Office Road,
Saidapet, Chennai-15.

... Appellant / Petitioner in
C.M.A.569/03)
... I Respondent in Cross objection

Vs.

1. S.Nagarajan
sole Arbitrator

...I Respondent / I Respondent
in C.M.A.569/03
2nd Respondent in Cross objection

2.CH.Veeraraju

... 2nd Respondent/ 2nd Respondent
(in C.M.A.569/03)
...Cross objection in Cross Objection

PRAYER: Appeal filed under Section 37(1)(b) of the Arbitration and Conciliation Act, 1996 against the order and decreetal order made in OP.No.145 of 1998 dated 22.11.2002 on the file of the X Assistant Judge, City Civil Court, Chennai.

For Appellant in CMA and
I Respondent in Cross objection : No appearance.

For Respondents : R1 dismissed
vide Court order dated 22.04.2008
Mr.K.G.Vasudevan for R2. in CMA.569/03
and Cross objector in Cross objection

PRAYER: Petition filed under Order 41 Rule 22 of CPC to allow the Cross objections along with interest at the rate of 24% per annum from the date of termination of the contract till the date of realisation and dismiss the above CMA.No.569 of 2003 with costs.

COMMON JUDGMENT

There is no representation on behalf of the appellant on 07.11.2016, hence the matter was directed to be listed today under the caption "for dismissal". Even today, there is no representation on behalf of the appellant either in person or through the learned counsel on record. Therefore, the civil miscellaneous appeal is dismissed for non prosecution.

2. The learned counsel for the cross objector mainly contended that the cross objector/2nd respondent is entitled to the interest at the rate of 24%p.a. from the date of termination of the contract till the date of realisation of the award amount. This Court is of the considered view that 12%p.a. is the appropriate rate of interest can be awarded to the cross objector from the date of termination of contract and till the date of realisation.

3. In the result,

(i) CMA.No.569 of 2003

The civil miscellaneous appeal is dismissed for non prosecution. Consequently, connected miscellaneous petition is closed. No costs.

(ii) Cross OBJ.No.58 of 2005

The cross objection is allowed by directing the appellant to pay the interest at the rate of 12%p.a. from the date of termination of the contract and till the date of realisation. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

The X Assistant Judge,
City Civil Court, Chennai.

CMA.No.569 of 2003
and Cross Obj.No.58 of 2005

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