

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2017

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

Original Petition No.747 of 2017

and

A.No.5447 of 2017

R.Karthikeyan

.. Petitioner

Vs.

1.K.Sudha

2.Harsitha Sree

3.Madhumitha

.. Respondents

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the Award dated 02.08.2017.

For Petitioner : Mr.R.Sankaranarayanan,
Sr. Counsel for Mr.B.Vijay

For Respondents : Mr.T.Sundaravadanam

ORDER

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Seeking to set aside the award dated 02.08.2017, the present Original Petition has been filed.

2.This is continuation of an ongoing dispute between the family members. Learned Arbitrator, while not inclined to go into the disputed questions of fact, has directed the petitioner to pay a sum of Rs.50 lakhs. Liberty was given to the respondents to approach the Civil Court.

3.On a suggestion made by this Court, learned senior counsel for the petitioner has submitted that a sum of Rs.10 lakhs would be paid to the respondents and all the issues may be left open. Learned counsel appearing for the respondents also agreeable for the same. Accordingly, the award dated 02.08.2017 stands set aside and this Original Petition stands disposed of on the following agreed terms:

- 1. The petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) by way of demand draft within a period of one week from today to the respondents.*
- 2. The demand and receipt of the amount is without prejudice to the respective contentions in the civil suit to be filed by the respondents.*

3. *In the event of any decree being passed in favour of the respondents, this amount can be given credit to.*

4. *The Civil Court is directed to dispose of the civil suit to be filed without being influenced by any of the observations made in this petition and the Arbitral Tribunal.*

5. *The payment made shall not be treated as one of admission of liability.*

No costs. Consequently, connected application is closed.

17.11.2017

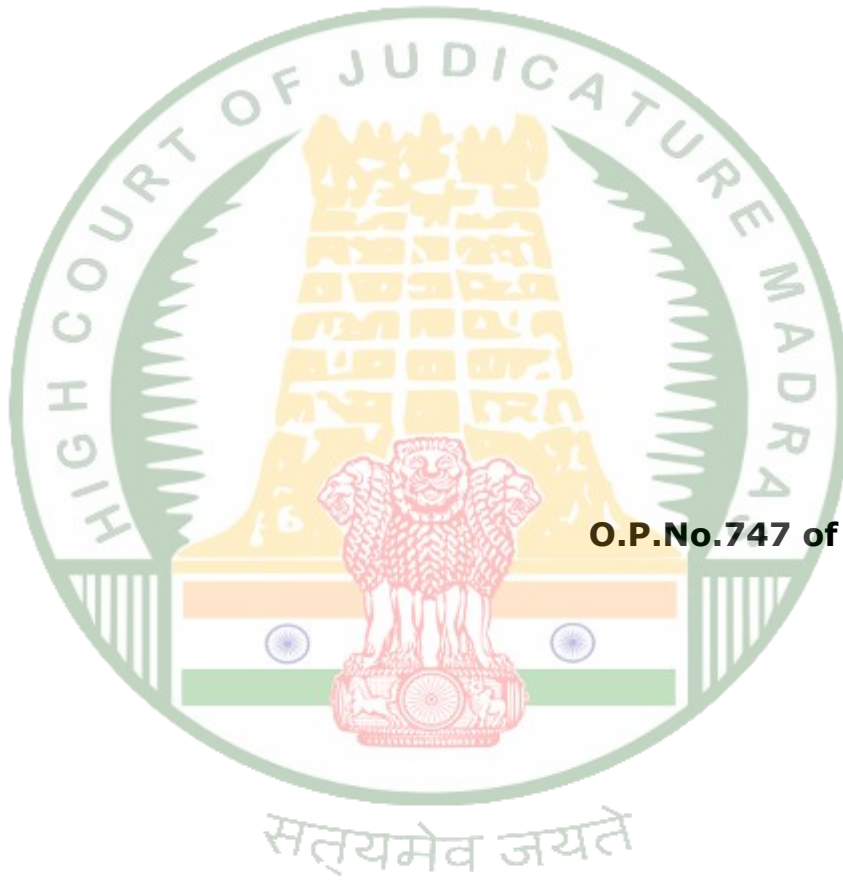
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M.M.SUNDRESH,J.

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