

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2017

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.291 of 2011

K.S.Nair
Sole Proprietor,
Sree Saritha Enterprises

.. Plaintiff

Versus

M/s.Telecommunications Consultants India Limited
Southern Regional Office,
Rep. by its Senior General Manager (Southern Region).

..Defendant

The plaint is filed and numbered as Civil Suit under Order IV Rule 1 of O.S. Rules r/w Order VII, Rule 1 of CPC, praying for a judgment and decree:

- a) Directing the defendant to pay to the plaintiff a sum of Rs.26,02,080/- together with interest at 24% on Rs.12,51,000/- per annum from the date of plaint till date of realization thereof;
- b) For the costs of the suit.

For Plaintiffs : No Appearance
For Defendant : Ms.R.Rathna Thara

JUDGMENT

The suit is originally filed for recovery of amount on the basis of contract between the parties.

2. The defendant has filed an application in A.No.5367 of 2011 contending that the suit is not maintainable and the matter has to be settled only through arbitration. The above application is contested by the parties. The application filed by the defendant stating that the suit is not maintainable was ordered as prayed for by a detailed order, dated 15.03.2012.

3. On perusal of the said order of this Court, it is seen that this Court held that the parties are bound by the arbitration agreement entered into between them and are bound to have settled their disputes through arbitration and not by way of Civil Suit before Civil Court.

4. In view of the same, nothing survives in the present suit. Hence, the suit dismissed as not maintainable. No costs.

02.01.2017

pvs

N.Sathish Kumar, J.,
pvs

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