

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

O.S.A.Nos.233 & 234 of 2013

M/s.Doshion Private Limited,
(Formerly known as Doshion Limited)
Rep. by its Authorized Signatory
Srinivasan Thiagarajan
Plot Nos.24-26, Phase II
GIDC, Vatva, Ahmedabad 382 445. ..Appellant in both O.S.As/
Applicant

Vs

Noyyal Common Effluent Treatment Company Ltd.,
Shop No.2, P.R. Complex,
Binny Compound Main Road,
Tiruppur 641 601. ..Respondent in both O.S.As/
Respondents

Prayer in O.S.A.No.233 of 2013:- This Original Side Appeal has been filed under Order XXXVI Rule 1 of Original Side Rules r/w clause 5 of Letters Patent against the judgment and decree passed by the this Court in O.A.No.54 of 2013 dated 05.04.2013.

Prayer in O.S.A.No.234 of 2013:- This Original Side Appeal has been filed under Order XXXVI Rule 1 of Original Side Rules r/w clause 5 of Letters Patent against the judgment and decree passed by the this Court in O.A.No.55 of 2013 dated 05.04.2013.

For Appellant
in both O.S.As : Mr.S.Ramesh

For Respondent
in both O.S.As : Mr.S.Raghunathan

COMMON JUDGEMENT

(Judgment of the Court was delivered by S.Nagamuthu.J)

These two Original Side Appeals in O.S.A.Nos.233 & 234 of 2013 have been filed against the interim orders passed by a

learned Single Judge in A.Nos.54 & 55 of 2013 respectively. In A.No.54 of 2013, the appellant herein had prayed for an ad-interim injunction restraining the respondent from in any manner handing over the schedule mentioned properties for operation and maintenance to any third parties pending disposal of arbitral proceedings. In A.No.55 of 2013, the appellant herein had prayed for appointment of Receiver for taking charge of the schedule mentioned properties and operate the plants and machineries, in the common Effluent Treatment Plants pending disposal of arbitral proceedings.

2.The learned Single Judge disposed of both the applications by order dated 05.04.2013 that the transfer of common Effluent Treatment Plant shall be subject to the final decision to be taken by the learned Arbitrator in the pending Arbitration proceedings, if any.

3.Today, when these Appeals were taken up for hearing, the petitioner produced the Mediation Report from the Tamil Nadu Mediation and Conciliation Centre reporting that the issue has been compromised between the parties as per the Memorandum of Compromise dated 07.08.2014. Since, compromise has been recorded before the Arbitrator, nothing survives in these Appeals.

In the result, both the Appeals are dismissed as infructuous. No costs.

Sd/-
Assistant Registrar

//True Copy//

jbm

To,

The Sub-Assistant Registrar
Original side,
High Court, Madras.

Sub Assistant Registrar

Copy to

The Assistant Registrar,
Tamilnadu Mediation,
Conciliation Centre,
High Court, Madras.

+1cc to Mr.Raghunathan, Advocate, S.R.No.1321

+1cc to Mr.Ramesh, Advocate, S.R.No.1312

UG(CO)

RS(24/01/2017)

O.S.A.Nos.233 & 234 of 2013