

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2017

CORAM

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

Original Petition No.512 of 2010

Sujatha R.

.. Petitioner

Vs.

1.Kotak Mahindra Bank Ltd.,
5th Floor, Ceebros Centre,
No.39, Montieth Road,
Egmore, Chennai - 8.

2.S.Balajanaki,
Advocate and Arbitrator,
Old No.168, New No.338,
Thambu Chetty Street,
27-C & D, Pandu Klix Plaza,
Chennai - 1.

.. Respondents

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the Award dated 24.03.2010 passed by the second respondent Arbitrator in A.C.P.No.286 of 2009.

For Petitioner : Mr.T.Karunakaran

For Respondents : No appearance

ORDER

Seeking to set aside the award dated 24.03.2010, the present Original Petition has been filed.

2.Despite service of notice and the name of the first respondent having been printed in the cause list, there is no representation on behalf of the first respondent Bank.

3.When the matter is taken up for hearing, learned counsel appearing for the petitioner submits that the matter has been settled between the parties and he has also furnished a memo dated 06.11.2017. The said memo reads as under:

"The petitioner humbly submit that the 1st respondent Bank through his letter dated 26.10.2010 has given a proposal for one time closure for personal loan Account No.CSG1578619 at Rs.92,000/- and the petitioner by accepting the same has paid the entire amount. The 1st respondent by acknowledging the same has issued a letter dated 27.10.2010 to the petitioner, in

which they have given an undertaking that they will withdraw the entire legal proceedings with regard to the above said loan account. The petitioner is hereby enclosed the copy of the letters issued by the 1st respondent Bank and the above O.A. has been filed with regard to the above said loan amount.

Hence it is therefore prayed that this Hon'ble Court to permit the petitioner to withdraw the above case as settled out of Court and thus render justice."

3.In view of the memo dated 06.11.2017 filed by the petitioner, this Original Petition is dismissed. No costs.

06.11.2017

Index:Yes/No

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M.M.SUNDRESH,J.

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