

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE  
AND  
The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

O.S.A.No.45 of 2018  
and C.M.P.No.2764 of 2018

1. Sriram Kesavan
2. Satyabama Kesavan .. Appellants

-vs-

1. M/s.Cholamandalam Investment  
And Finance Company Limited,  
(Formerly known as M/s.Cholamandalam  
DBS Finance Limited)  
DARE House, No.2, N.S.C. Bose Road,  
Chennai 600 001.
2. Y.K.Rajagopal, ... Respondents

Appeal filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent against the order dated 14.11.2017 made in O.P.No.649 of 2013 on the file of original side of this Court.

Prayer in O.P.NO.649 of 2013:

Original Petition praying that this Hon'ble court be pleased to:

a) allow the present OP and set aside the impugned award dated 31.10.2011 passed by the Learned Sole Arbitrator Mr.Y.K.Rajagopal in Arbitration Case No.R/C.D.B.S/3 of 2011 against the petitioners and in favour of the respondent no.1;

b) direct the respondent to pay the petitioner the cost of this Petition.

For Appellants : Mr.Shivakumar

For Respondents : Mr.R.Tamilselvi  
for Mr.S.Namasivayam for R-1

: No appearance for R-2

J U D G M E N T  
(Delivered by Ms.Indira Banerjee, Chief Justice)

We are informed that the disputes between the appellants and respondent no.1 have been settled out of Court and a compromise memo has been filed in Court. It is also submitted that the appellants have paid a sum of Rs.45 lakhs in full and final settlement of the claim of respondent no.1.

The appeal is, thus, disposed of by directing respondent no.1 to return the documents of the appellants lying in deposit with respondent no.1. The compromise memo shall form part of the records. No costs. Consequently, C.M.P.No.2764 of 2018 is closed.

**\* Attached Xerox copy of Memo of Compromise.**

Sd/-  
Assistant Registrar(CS III)  
Dated: 10.05.2018

**Corrected order to be issued.**  
**sd/-**  
**Sub.Assistant Registrar**  
**Dt.19.07.2018**

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar  
Original Side, Madras High Court,  
Chennai.

**To be substituted to the  
order already despatched  
on 14.06.2018**

+1cc to Mr.Shivakumar,Advocate sr.29247

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O.S.A.No.45 of 2018

ppa(co)  
nr 11/06/2018  
CS/20/07/18