

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 29th DAY OF AUGUST 2018

THE HON'BLE MR.JUSTICE C.SARAVANAN

A.NO.2781 of 2018

in

O.P. No.537 of 2017

In the matter of Arbitration
and Conciliation Act, 1996

and

In the matter of disputes
between M/s.Hyundai Engineering
and Construction Co. Ltd., &
another and United India
Insurance Co. Ltd.,

1. Hyundai Engineering and Construction Co. Ltd.,
rep. by
Plot No.5, Astitva Estate, Kota-Bundi Road,
Near Gurudwara, Ram Nagar,
Kota-324 008, Rajasthan.
2. Gamon India Limited,
rep. by
Talim Sangh Premises,
Rawat Bhata Road,
Kota-324 010, Rajasthan. ... Applicants/Petitioners

-Versus-

1. United India Insurance Co., Limited,
(Head Office), 24, Whites Road,
Chennai-600 014, Tamil Nadu.
2. United India Insurance Co. Limited,
Divisional Office:011900
98-A, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
3. National Highways Authority of India,
(Ministry of Shipping, Road Transport & Highways),
1C-10, SFS Colony, Talwandi,
Kota-324 005, Rajasthan. ... Respondents/Respondents

Application praying that this Hon'ble Court be pleased to

1) Allow this application for the amendment/rectification of the order dated November 30, 2017, in O.P No 537 of 2017.

2) Declare that the arbitrator appointed by this Hon'ble Court in the above mentioned order is not the sole arbitrator whereas he is appointed on behalf of the respondents to work as co-arbitrator along with the already appointed arbitrator by the Petitioners as per the arbitration agreement between the parties.

3) Declare that the arbitrator previously appointed by the petitioners shall also continue along with the arbitrator appointed by this Hon'ble Court in the above mentioned order.

This Application coming on this day before this Court for hearing the court made the following order:

By an order dated 30.11.2017, this Court has appointed Hon'ble Justice P.Jyothimani, Former Judge, High Court, Madras to be the learned Arbitrator.

2. Aggrieved by the said order, the first respondent herein filed SLP(C).No.4260 of 2018 before the Hon'ble Apex Court and the same was allowed on 21.08.2018.

3. As per the said decision of the Hon'ble Supreme Court, the order passed by this Court on 30.11.2017 has been set aside with the liberty to the applicant herein to take recourse to a civil suit for mitigation of the grievance of

the applicant herein. During the pendency of the above

proceedings, the applicants herein have filed this application. As the dispute between the parties are not attributable. In view of the decision of the Supreme Court in Civil Appeal No.8146 of 2018 dated 21.08.2018 nothing survives for adjudication in this application.

1. Accordingly, the above applications are closed.

Sd/.C.S.N.J

29.08.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/11.10.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the lion capital is a red wheel (Chakras) and a red lotus. The entire emblem is set against a background of horizontal stripes (green, white, and green). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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