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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 19TH DAY OF NOVEMBER 2018

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

O.P.No.405 of 2016

In the matter of arbitration
between the petitioner and the
respondent and In the Matter
of the Arbitration and
Conciliation Act, 1996.

V.Selvaraj,
S/o.Vellaiyan,
No.149, C1 N.No.49-E,
VOC Nagar Nangavaram,
Kulithalai - 639 110,
Kardu District.

...Petitioner

VS

1.M/s.Kotak Mahindra Prime Ltd.,
Represented by its Authorized Signatory,
P.Balaji,
1st Floor, Ceebros Centre,
No.45, Montieth Road,
Egmore, Chennai - 600 008.

..1st Respondent

2.Mr.L.Dinakaran, (Advocate),
Sole Arbitrator,
Swamy Assocaites,
"Sai Nivas", 3-C, R.A Complex,
Thendral,
No.173, ARcot Road, Palaniappa Nagar,
VALasaravakkam, Chennai - 600 087.

...Sole Arbitrator
/2nd Respondent

Original Petition praying that this Hon'ble Court be
pleased to set aside the award dated 24.03.2016 passed by
the Learned Arbitrator in Claim petition No.LDG 173 of 2015
and thus render justice.

<https://hcservices.ecourts.gov.in/hcservices/>
This original petition coming on this day before this
court for hearing in the presence of Mr.V.Illanchezian,



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Advocate for the petitioner herein and Mr. Arun Pradeesh, Advocate for the respondent herein and upon reading the petition and the copy of the award filed herein and this court hearing observed that the question as to whether the petitioner has been defrauded by Manoharan and others will have to be gone into by the criminal court in the criminal proceedings and that payment of the loan amount as per the award shall not preclude the petitioner from putting forth his case before the criminal court and establish his case about the fraudulent act of the accrued in that case, as Arbitration award has become final, the findings of the arbitrator as stated supra, passed by the sole arbitrator shall not be interfered with, **it is ordered:-**

That the Original Petition No. 405 of 2016, be and is hereby dismissed.

WITNESS THE HON'BLE SHRIMATI. VIJAYA KAMLESH TAHILRAMANI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 19th DAY OF NOVEMBER 2018.

Sd./-
ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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03.01.2019

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O.P.No.405 of 2016

ORDER

DATED :19.11.2018

THE HON'BLE MR.JUSTICE
S.VAIDYANATHAN

FOR APPROVAL: 28.01.2019

APPROVED ON : 30.01.2019