

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2018

CORAM

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

**O.P.No.240 of 2012
& Application No.4744 of 2017**

1.M.Selvi Siva Shanthi Deve
2.P.S.Muralidharan
both at M/s MMRT Bus Service,
No.26, Semmedu Thotam,
KG Garden 1st Street, DSK Hospital(Backside),
Kangeyam Road, Tirupur-641 604. .. Petitioners

Vs.

1.M/s Sundaram Finance Limited,
No.21, Pattulos Road,
Chennai-600 002.
2.K.S.Gowthaman,
Advocate/Arbitrator,
Flat No.A8 Plot No.102/A6, New No.198/6,
Rangarajapuram Main Road,
Kodambakkam, Chennai-600 024. .. Respondents

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the exparte Award dated 11.06.2011 passed in Arbitration Case No.KSG/SF/03/2009 by the second respondent or at the least, remit the same to the second respondent/arbitrator for reconsideration and for appropriate modifications thereby granting an opportunity to the petitioners to putforth their case before the second respondent.

Application No.4744 of 2017 is filed to direct the respondents herein to furnish security to the tune of Rs.2,27,044.18/- within such time that Court may stipulate and in default of the respondents doing so, to order attachment of the properties more particularly set out in the schedule-B hereunder through the District Court, Tiruppur and pass a conditional order of attachment.

For Petitioners : Ms.L. Mary Pushpa Rani

For 1st Respondent : M/s T.Srinivasaraghavan for
M/s T.Srinivasaraghavan Associates

ORDER

When the application is taken up for hearing, the learned counsel appearing for the first respondent in the original petition submits that the matter has been resolved between the parties though the learned counsel for the petitioners in the original petition does not have any instruction.

2. Since the statement has been made by the claimant/first respondent, who got an award, this Court is of the view that this application and the original petition has to be closed. Accordingly, both the application and the original petition stand closed as settled out of Court. No costs.

27.02.2018

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M.M.SUNDRESH,J.

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