

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISHKUMAR

C.S.No.41 of 2013

and

A.Nos.1327, 591 to 593 of 2013, 982 to 984 of 2013

and

O.A.Nos.64 & 65 of 2013

1.RAS Adyar Hotels Private Limited,
Having its Registered office at
No.162, Justice V.Ramaswami Road,
Kamaraj Avenue, Adyar,
Chennai - 600 020
Rep. by its Chairman & Managing Director,
and Authorised signatory
Mr.Justice V.Ramaswami (Rtd).

2.Mr.V.Ramaswami

3.Mr.Sanjay Ramaswami

Vs

....Plaintiffs

1.M/s.LBR Hotels and Hospitality Service Pvt. Ltd.,
Rep. by its Board of Directors,
Having its Registered office at
FM house, 302, Anna Salai,
Chennai - 600 006.

2.Mr.Baskaran Kandiah

3.Leon Rasiah Ranjith

4.Mr.Yoganathan Ratheesan

5.Barry George Rees

6.Fox Mandal Associates

7.Rajagopal Jeevanandham Alias R.Jeevanandham

8.Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.

... Defendants

PRAYER: Civil Suit filed under Order IV Rule I of the Original Side Rules read with Order VII Rule I of Civil Procedure Code praying for a Judgment and Decree as against defendants 1 to 7 with joint and several liability for the following reliefs:

(i). For recovery of the sum of Rs.59,85,405/- (Rs.51,25,934/- kept in Escrow Account together with Interest at 18% p.a. on Rs.51,25,934/- from 10.02.2012 till date i.e. Rs.8,59,471/-) immediately by the 7th defendant with future interest at 18% p.a. from the date of plaint till date of realisation.

(ii). For recovery of the sum of Rs.2,39,874/- for the delay 5 days in payment of the sum of Rs.9,72,82,215/- with future interest at 18% p.a. from the date of the plaint till the date of realisation.

(iii). For the recovery the sum of Rs.19,21,233/- with future interest at 18% per annum from the date of the plaint till the date of realisation.

(iv).For a mandatory injunction directing the defendants 1 to 5 to return all the excess elevator materials taken possession by the 1st defendant as mentioned in the Plaint schedule 'B' appended hereto.

(v).For recovery of Rs.10,00,000/- towards damages caused to the plaintiffs with future interest at 18% per annum from the date of the plaint till the date of realization.

(vi).For a mandatory injunction directing the defendants 1-5 to furnish Jones Lang Lasalle Reports to the Plaintiffs on a date to be fixed by this Hon'ble Court.

(vii).For costs of the suit.

For Plaintiffs : Mr.T.C.Sajith Babu

For Defendants : Mr.V.Lakshmi Narayan
for D1 to D4.

Mr.P.K.Rajagopal for D6.

JUDGMENT

The plaintiffs have filed a Memo stating that the matter could be referred to arbitration by appointing Hon'ble Mr.Justice Shri. N. Paul Vasanthakumar as sole arbitrator to decide the disputes between the parties. It is further stated in the Memo that the plaintiffs agreed to delete the 8th Defendant CMDA from the array of parties. On instructions, the learned Counsel appearing for the defendants 1 to 7 agreed for the same.

2.In view of the above, the Hon'ble Mr.Justice Shri. N. Paul Vasanthakumar is appointed as sole arbitrator and all the issues to be decided by the arbitrator. The remuneration can be fixed to the discretion of the arbitrator for which the parties have no objection. The matter shall be disposed of within a time limit as per amended Act by the arbitrator.

3.In the above terms, this Civil Suit is disposed of. No costs. Court-fee paid shall be refunded as per law. The Memo shall form part of the record. Consequently, connected miscellaneous petitions are closed.

12.09.2019

Index: Yes/No
Internet: Yes/No

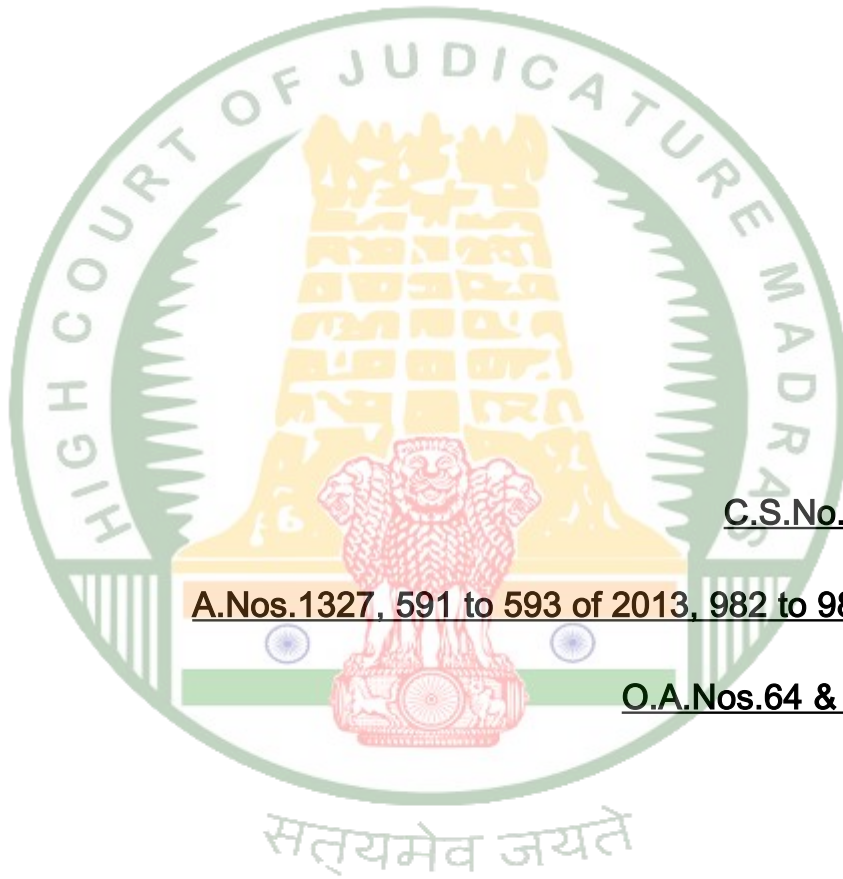
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N.SATHISHKUMAR,J.

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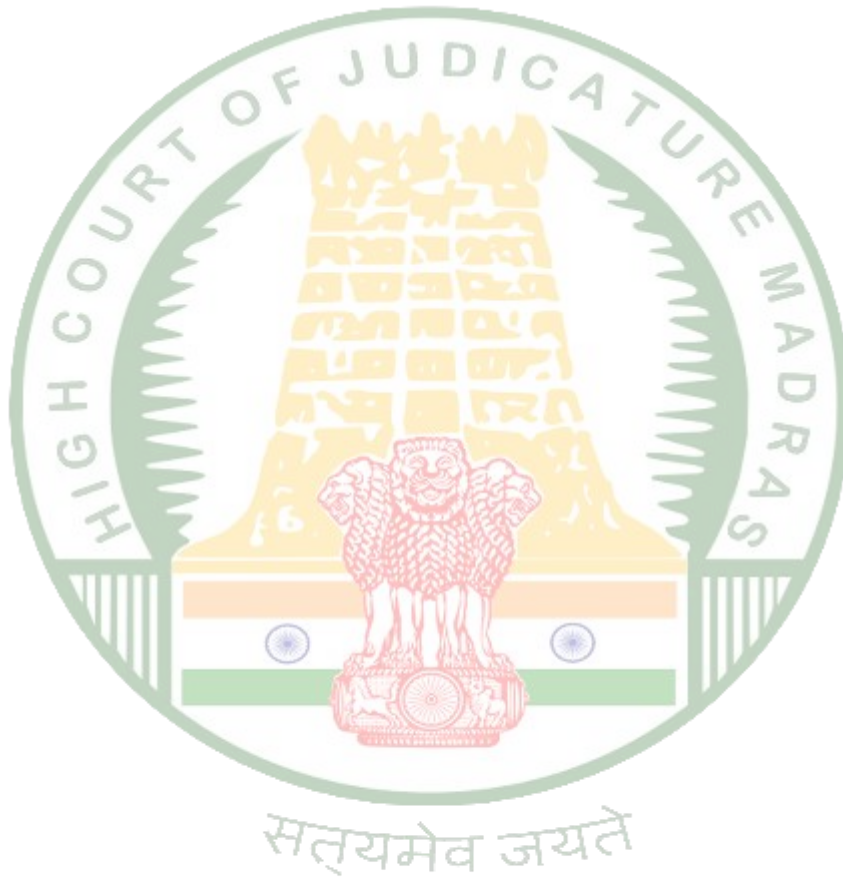
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