

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :11.03.2019

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.No.171 of 2018

and

A.No.1642 of 2018

1.Mr.Muniyandi K

2.Mrs. Angaiyarkanny M

.. Petitioners

VS.

M/s.Cholamandalam Investment and Finance
Company Limited

Rep. By its Authorized Signatory
“Dare House”No.2, N.S.C Bose Road
Chennai- 600 001

.. Respondent

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the Award passed by the Sole Arbitrator in Arbitration Case No. PD1606 of 2015 dated 23.12.2016 as illegal, arbitrary, biased, without jurisdiction and is unenforceable in law.

For Petitioners : Mr.E.Udayachander

For Respondent : Mr.D.Pradeep Kumar

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ORDER

Mr. E.Udayachander, learned counsel on record for both the petitioners and Mr.D.Pradeep Kumar, learned counsel representing the sole respondent are before this Court.

2. A perusal of the case file placed before me brings to light that this 'Original Petition' ('OP' for brevity) has been referred to 'Tamil Nadu Mediation and Conciliation Centre under the aegis of this Court' ('TNMCC' for brevity) vide referral dated 19.02.2019. TNMCC has, thereafter, sent a Mediation Report dated 25.02.2019, which shows that Mediation has been completed and agreement arrived at between the parties is enclosed.

3. Mr.E.Udayachander, learned counsel on record for petitioners has made an endorsement in the case file, which reads as follows:

'This matter has been settled before the Mediation Centre. Hence, the petitioners prays to this Hon'ble Court to withdraw this petition with refund of Court fee and thus render justice.'

Sd/-
(E.Udayachander)
11.03.2019'

4. Learned counsel reiterates the aforesaid endorsement and seeks refund of Court fee citing Section 69 -A of 'The Tamil Nadu Court Fees and Suits Valuation Act, 1955' ('Tamil Nadu Court Fees Act' for brevity), which reads as follows:

'[69-A. Refund on settlement of disputes under Section 89 of Code of Civil Procedure.- Where the Court refers the

parties of the suit to any of the modes of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the fee paid shall be refunded upon such reference. Such refund need not await for settlement of the dispute.]'

5. In the light of aforesaid narrative, endorsement made by learned counsel for petitioners in the case file and reiteration of the same, this OP is closed as settled before TNMCC.

6. Registry to process refund of Court Fee in accordance with Section 69-A of the Tamil Nadu Court Fees Act and refund shall be given by way of a negotiable instrument in favour of the first petitioner. To be noted, counsel on record for petitioners request, on instructions, that refund shall be given by way of negotiable instrument drawn in favour of first petitioner.

This OP is disposed of on above terms. No costs. Consequently, the connected application is closed.

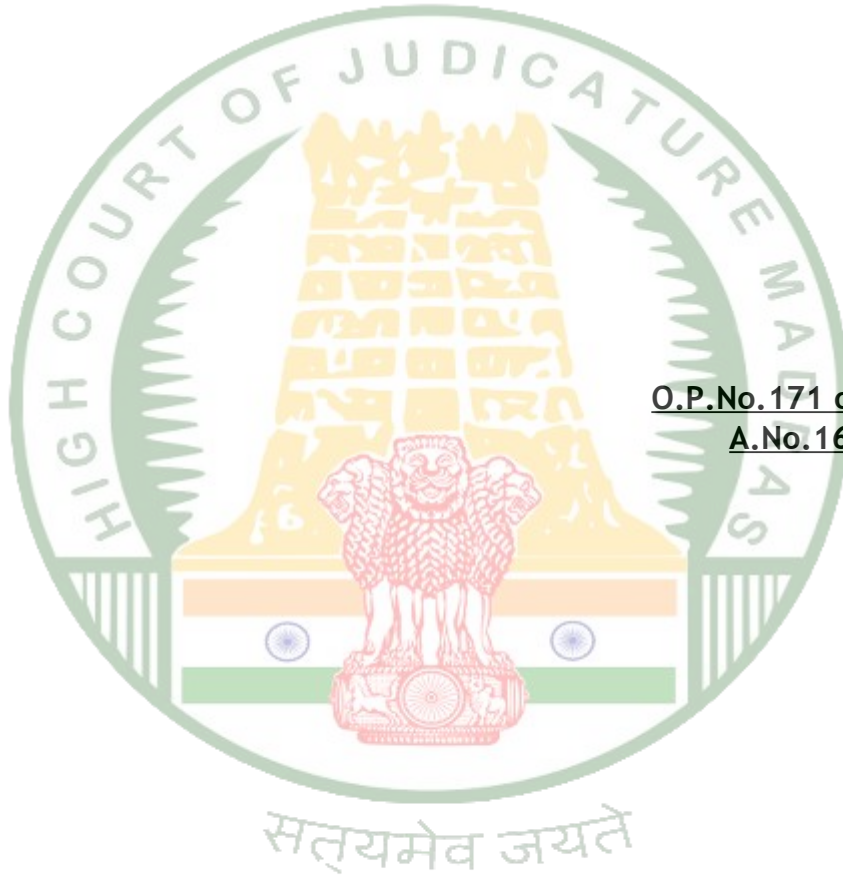
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M.SUNDAR.J.,

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