

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

O.P. NO.839 OF 2018

M/s.Madras Hardtools Pvt.Ltd.

Represented by Senior Executive -Legal  
No.1, first floor, PeriannaMaistry Street,  
Chennai-600001.

.. Petitioner

-vs-

1.M/s.Marg Limited

Registered Office at:

MARG AXIS, 4/318.

Old Mahabalipuram Road,  
Kottivakkam, Chennai-600041

Also at,

No.334, Futura Tech Park,

Rajiv Gandhi Salai, Sholinganallur,

Chennai - 600119.

.. Respondent

**PRAYER:** Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint Sole Arbitrator to adjudicate upon the differences and disputes between the parties hereto.

For Petitioner

: Mr.R.Parthasarathy

For Respondent

: Dr.S.Padma

\* \* \*

This petition is filed by the petitioner seeking to appoint the sole arbitrator to adjudicate upon the differences and disputes between the parties hereto.

2.The parties have settled their disputes before Mediation Centre. The settlement agreement dated 23.01.2019, entered between the parties before Mediation has been placed before this Court. The settlement agreement reads as follows:

*“SETTLEMENT AGREEMENT*

*This settlement agreement entered into on  
23.01.2019.*

*WHEREAS*

*1.Disputes and differences had arisen between the parties hereto and O.P.(Original Petition) was filed on ---08.2018 before the Honourable High Court.*

*2.The matter was referred to mediation vide an order dated 30.11.2018 passed by the Honourable Justice M.Govindaraj.*

*3.The parties agreed that V.Usha Rani would act as their mediator.*

*4.Several meetings were held during the process of Mediation from 17.12.2018 to 23.01.2019 and the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.*

*5. The parties hereto confirm and declare that they have voluntarily and to their own free will arrived at this Settlement*

*Agreement in the presence of the Mediator.*

*6. The following settlement has been arrived at between the parties hereto:*

*A. The parties agreed for the amount of Rs.3,75,000/- as total and final settlement. Regarding the payment in four installments by way of Demand Draft in the following dates.*

- 1. 1<sup>st</sup> installment Rs.1,00,000/- on or before 15<sup>th</sup> February, 2019.*
- 2. 2<sup>nd</sup> Installment Rs.1,00,000/- on or before 15<sup>th</sup> March, 2019*
- 3. 3<sup>rd</sup> Installment Rs.1,00,000/- on or before 15<sup>th</sup> April, 2019*
- 4. 4<sup>th</sup> Installment Rs.75,000/- on or before 15<sup>th</sup> May, 2019.*

*The parties agree that on the failure of the respondent to pay any installment above on time, the entire sum of Rs.4,45,764.00 together with interest @12% p.a. From 08.12.2011 shall be due to the petitioner.*

*7. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to O.P.No. 839/2018 and all disputes and*

**M.GOVINDARAJ, J.**

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*differences in this regard have been amicably settled by the  
parties hereto through the process of Mediation.”*

3.The application is disposed of recording the settlement agreement dated 23.01.2019, arrived between the parties before the Mediation centre. The mediation report and settlement agreement dated 23.01.2019, is taken on record and shall form part and parcel of the order. No costs.

bkn/msr

29.01.2019

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**APPLICATION NO.839 OF 2018**