

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

O.S.A.No.293 of 2018

M/s.Simplex Infrastructures Limited,
New No.48, Old No.21,
Casa Major Road, Egmore,
Chennai-600 008
rep.by is authorised signatory
Mr.R.Swaminathan ... Appellant/Applicant

vs.

M/s.Kamachi Industries Limited,
Formerly known as
M/s.Kamachi Sponge and Power
Corporation Ltd.,
Rep.by is Office Executive - Legal
Mr.P.Baskaran, No.39, ABC Trade Centre,
III Floor,
Inside Devi Theatre Complex,
Anna Salai,
Chennai-600 002 .. Respondent/ Respondent

Original Side Appeal filed under Order XXXVI Rule 9 of
O.S.Rules read with Clause 15 of Letters Patent against
Fair and Decreetal order dated 06.06.2018 passed in
A.No.4534 of 2017 in C.S.No.473 of 2017.

Prayer in A.No.4534 of 2017 in C.S.No.473 of 2017:

Application praying that this Hon'ble Court be pleased
to refer the disputes that have arisen between the
applicant/Defendant and Respondent/Plaintiff from the
purchase orders dated 08.03.2016 and 08.06.2016 to
arbitration interms of the arbitration agreement as
contained in clause 23 of the terms and conditions of the
said purchase orders.

For Appellant : Mr.Thriyambak Kannan
For Respondent : No appearance

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Acting Chief Justice)

The learned counsel Mr.Thriyambak Kannan, appearing for the appellant-M/s.Simplex Infrastructures Limited, submitted that the parties have arrived at a settlement in a summary suit filed in the present case and therefore, the dispute between the parties has been settled.

2.The order passed by the learned single Judge, impugned in the present Appeal before us, was refusing to refer the parties to Arbitration, on the basis of 'Arbitration Agreement,' under Section 8 of the Arbitration and Conciliation Act, 1996.

3.In view of the aforesaid statement of the learned counsel for the appellant, we are of the opinion that the present Appeal against the impugned order passed by the learned single Judge on 06.06.2018, in A.No.4534 of 2017 in C.S.No.473 of 2017, has become infructuous. The Original Side Appeal is accordingly dismissed as infructuous. Connected miscellaneous petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msk

To:

The Sub Assistant Registrar,
Original Side, High Court, Madras.

O.S.A.293 of 2018

sr

A.SK(12/11/2019)