

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

**C.S.No.374 of 2018
and A.No.3162 of 2019**

Mr.C.J.Charles Rajkumar

...Plaintiff

Versus

1.Mrs.Rahamathunissan
2.Mr.I.Syed Ahmed

...Defendants

This suit is filed under Order IV Rule 1 of O.S.Rules r/w. Order VII Rule 1 & 2 of C.P.C for the following reliefs:

(a) directing the defendants to pay the plaintiff, jointly and severally a sum of Rs.2,05,00,280/- (Rupees Two Crores Five Lakhs Two Hundred and Eighty only) together with further interest thereon at the rate of 24% per annum on the Principal sum of Rs.1,30,00,000/- from this date till date of realization.

(b) to award costs of the suit.

For Plaintiff : Mr.G.V.Sridharan

For Defendant - 1 : Mr.M.Saravanakumar

Defendant - 2 : Mr.P.Mohanraj

J U D G M E N T

Today(12.07.2019), when the matter is called, the learned counsel appearing for the second defendant submitted that as per the order of this Court dated 23.04.2019, passed in A.No.3163 of 2019, the second defendant is in the process of appointing an Arbitrator for adjudicating the dispute.

2. In view of the order passed by this Court in A.No.3163 of 2019, dated 23.04.2019, and since both the parties are in the process of appointing an Arbitrator in this matter, there is no necessity to keep this matter pending further for adjudication.

3. When this Court expressed such a view, the learned counsel for plaintiff brought to the notice of this Court that in the order dated 23.04.2019, passed in A.No.3163 of 2019, this Court observed that the applicant/second defendant would be entitled to refund of full Court fee. He therefore prayed for the refund of full Court fee to the plaintiff.

4. In view of the Agreement of Joint Development dated 20.01.2016, entered between the parties who agreed to refer the present dispute before the Arbitrator, this Civil Suit is dismissed, since the dispute involved in this suit has to be adjudicated by an Arbitrator as agreed by the parties. The Registry is directed to refund the full Court fee to the plaintiff, as per the amended Section 69 of Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) as amended by Tamil Nadu Act 6 of 2017 with effect from 01.03.2017 Act. No costs. Consequently, connected Application is closed.

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Index : Yes/No

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KRISHNAN RAMASAMY, J.,

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