

A.No.1320 of 2019

M.SUNDAR, J.

At the outset, it is made clear that this is a consent order.

2. Instant application, which has been filed under Section 9 of 'The Arbitration and Conciliation Act (Act No.20 of 1996)', which shall hereinafter be referred to as 'A and C Act' for the sake of brevity, is one seeking a prohibitory order and a direction to deposit qua the second respondent garnishee. In this regard, proceeding/order made by Hon'ble predecessor Judge on 26.09.2019 becomes relevant and the same reads as follows:

'This Court had passed an order on 19.02.2019 restraining the second respondent, who is the Garnishee, from making any payment due and payable to the first respondent.'

2. The learned counsel for the second respondent had produced a letter of the second respondent dated 24.09.2019 addressed to him, wherein, it is stated a sum of Rs.8,61,826/- is available with them payable to the first respondent. The said sum should not be disbursed until further orders from this Court.

3. In the meanwhile, the learned counsel for the first respondent wants to settle the issues with the applicant by arriving at a settlement.

4. Post the matter on 17.10.2019 under the caption "for reporting settlement".'

3. Thereafter, at the request of both sides, this matter was referred for Mediation by 'Tamil Nadu Mediation and Conciliation Centre' ('TNMCC' for

brevity) under the aegis of this Court vide an order of referral dated 10.12.2019. TNMCC has since sent a report dated 20.12.2019, saying no agreement could be reached. To be noted, report of TNMCC reveals that there were as many as four sittings/sessions.

4. Be that as it may, learned counsel for both sides submit without any dispute or disagreement that an arbitral award, being an award dated 31.05.2019 for little over 56.72 lakhs *inter alia* with future interest has since been passed.

5. In the aforesaid backdrop, what is of utmost significance is Mr. Wilson, learned counsel for first respondent, adverting to the earlier order dated 26.09.2019 made by Hon'ble predecessor Judge (extracted and reproduced supra) submitted that the sum of Rs.8,61,826/- in the hands of the garnishee can be directed to be paid directly to the applicant towards part satisfaction of the arbitral award leaving open all other rights and contentions of the parties. This submission is recorded.

6. Learned counsel on both sides agree to the aforesaid course being adopted. Therefore, as mentioned at the outset this is a consent order.

7. This application is disposed of directing the second respondent garnishee to pay out the aforesaid sum of Rs.8,61,826/- in its hands to the applicant within three weeks from the date of receipt of a copy of this order.

8. This application is disposed of in the aforesaid manner vide this consent order.

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