

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:29.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

O.P No.431 of 2015

Sri Graha Agencies
Rep. by its partner Mr.D.B.Vaidyanathan
Having office at
Old no 7, New No .15, Smith Colony,
Ganapathypuram,
East Tambaram, Chennai

.. Petitioner

Vs

1)Indian Oil Corporation Limited
Rep.by its Chief Area Manager
Mr.A.Balaravi
Chennai Area Office,
No.500,Anna Salai
Teynampet
Chennai – 600018

2). Smt.N.Usha
Sole Arbitrator
Indian oil Corporation Limited
(marketing Division)
Southern Region
Nungambakkam High Road,
Chennai - 600034

... Respondents

Original Petition filed under Section ...

For Petitioner : Mr.K.Harishankar

For Respondent : Mr.Vijay Mehanath

ORDER

Mr.K.Harishankar, learned counsel for petitioner and Mr.Vijaya Mehanath of M/s.AAV Partners (Law Firm) on behalf of contesting respondent are before in this virtual hearing on a video-conferencing platform. To be noted, the sole Arbitrator, who made the impugned award, has been arrayed as second respondent.

2. Be that as it may, instant orders/proceedings should be read in conjunction with and in continuation of earlier proceedings dated 27.07.2020, which reads as follows:

'Mr.K.Harishankar, learned counsel and Mr.Vijay Mehanath of M/s.AAV Partners [Law Firm] on behalf of the contesting first respondent are before me in this web-hearing.

2. Mr.K.Harishankar, learned counsel seeks a short accommodation for e-mail filing a memo.

3. List this matter under the same caption day-after-tomorrow i.e., 29.07.2020'

4. Pursuant to aforesaid earlier proceedings Mr.K.Harishankar,

learned counsel has filed a memo dated 27.07.2020 under a cover of an e-mail dated 28.07.2020. The memo reads as follows:

'MEMO FILED ON BEHALF OF THE PETITIONER

1. It is submitted that the Petitioner Partnership Firm had two Partners viz., Mr. D B Vaidyanathan and his wife Mrs V Meenakshi. The gas cylinder dealership operated by the partnership came to be terminated and penalty levied by the 1st Respondent Corporation in the year 2007. The legal proceedings in this regard were initiated in the year 2007 by the Petitioner firm. However, during the pendency of proceedings the Managing Partner Mr. D B Vaidyanathan expired on 09.11.2018 and his wife Mrs.V.Meenkashi pre-deceased him, during. Mr. D B Vaidyanathan and his wife Mrs. V Meenakshi had no issues.

2. It is further submitted that the Petitioner Partnership firm has no independent legal existence and the right to sue does not survive. It is therefore humbly prayed that this Hon'ble Court may be pleased to take this memo on record and dismiss this petition as having abated and thus render justice.

Dated at Chennai on this the 27th day of July, 2020.'

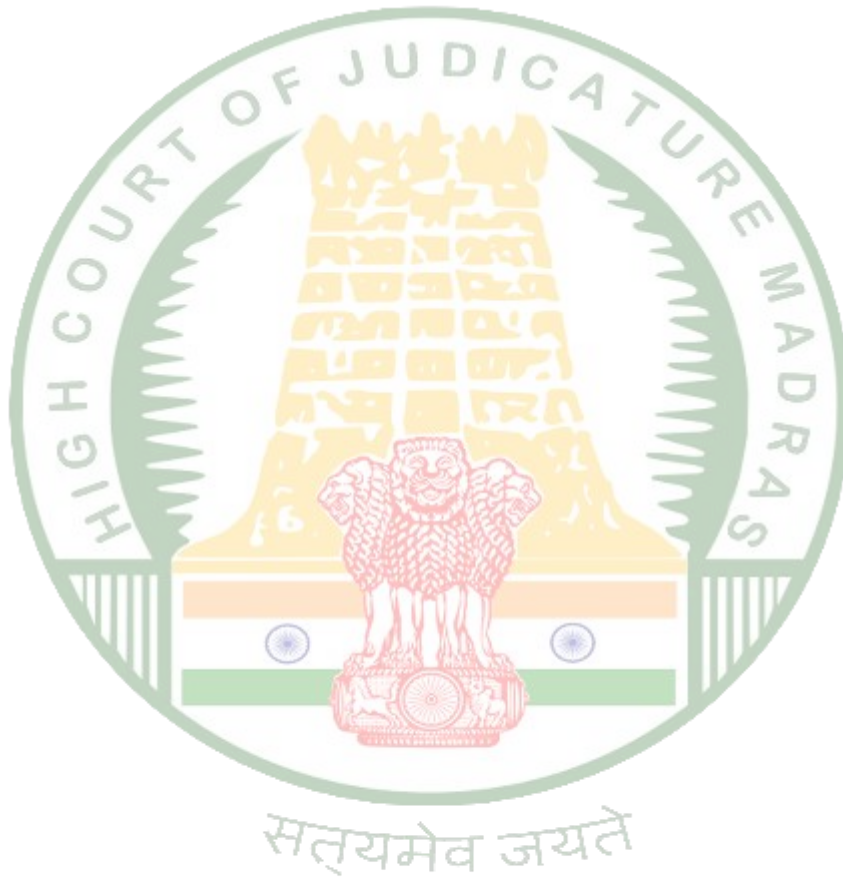
5. Memo taken on record.

6. In the light of the aforesaid memo instant OP is dismissed as abated.

There shall be no order as to costs.

29.07.2020

gpa

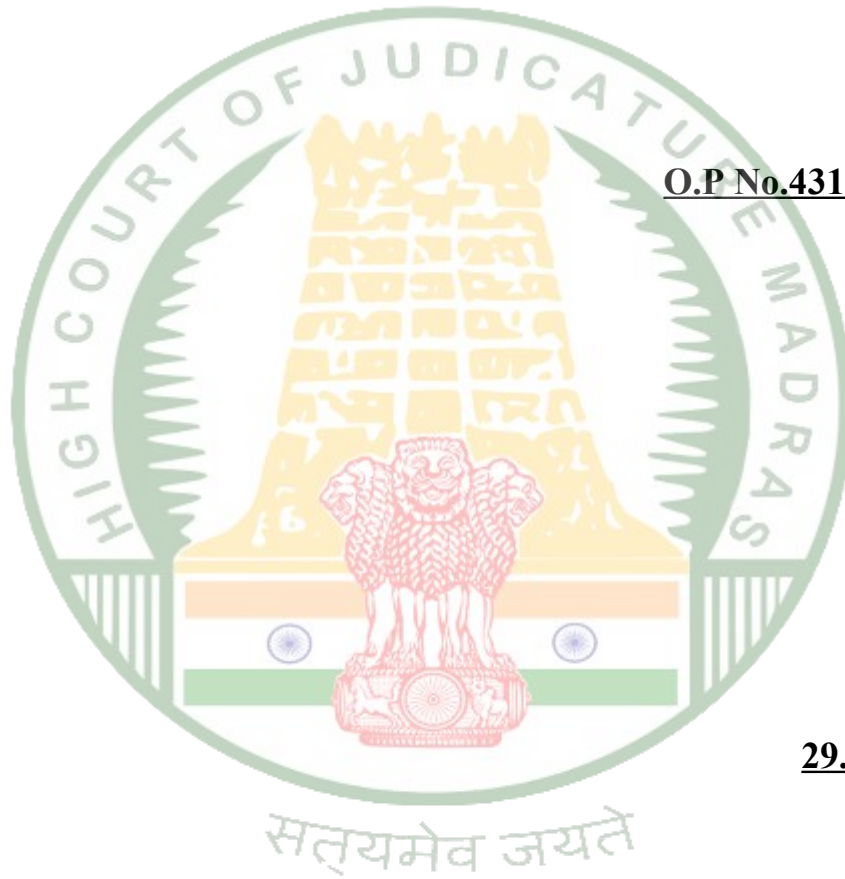


WEB COPY

O.P No.431 of 2015

M.SUNDAR.J.,

gpa



O.P No.431 of 2015

29.07.2020

WEB COPY