

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.06.2020

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

A.No.1195 of 2020
and
O.P.D.No.11022 of 2020

1.M.Xavier Kennedy
2.X.Malarvizhi

.. Applicants in
A.No.1195 of 2020 and
Petitioners in
O.P.D.No.11022 of 2020

Vs.

M/s.IKF Finance Limited
Having its registered office at
D.No.40-1-144, Corporate Center
M.G.Road, Vijayawada-10
Having branch office at
Flat No.11, 'C' wing,
7th Floor, Parsn Manere
Anna Salai, Chennai-6
Rep. by its authorized representative
J.Vijayraj

.. Respondent in
A.No.1195 of 2020 and
O.P.D.No.11022 of 2020

A.No.1195 of 2020 has been filed under Order XIV Rule 8 of Original Side Rules seeking to dispense with production of the original award

dated 25.10.2019 passed by the learned Arbitrator.

O.P.D.No.11022 of 2020 filed under Section 34 Sub-section (2)(a)(i) of The Arbitration and Conciliation Act, 1996, to set aside the arbitral award dated 25.10.2019 passed by the learned arbitrator namely Mr.M.Kathirvel in the matter of arbitration arising out of the petitioners and the respondent loan agreement dated 30.12.2019.

For Applicants / Petitioners : No appearance

COMMON ORDER

Read this in conjunction with and in continuation of earlier proceedings made yesterday (04.06.2020, Thursday), which reads as follows :

'Read this in conjunction with and in continuation of orders/proceedings made yesterday (03.06.2020, Wednesday) which read as follows :

'This matter was listed in a web hearing on a video conferencing platform after being duly shown in the cause list with all necessary particulars including meeting number and password.

2.However, when the matter was called, there was no representation. The case was passed

over and called again. In the second call also, there was no representation.

3.Be that as it may, with the intention of giving one more opportunity to applicants/petitioners, Registry is directed to list this matter tomorrow (04.06.2020) under the same caption.'

2.Today also this matter is listed in a web hearing on a video conferencing platform after being duly shown in the cause list with all necessary particulars including meeting number and password. However, the position is no different. In other words, there is no representation for the applicant/petitioner today also.

3.Registry to list this matter under the caption 'FOR DISMISSAL' tomorrow i.e., 05.06.2020, Friday.'

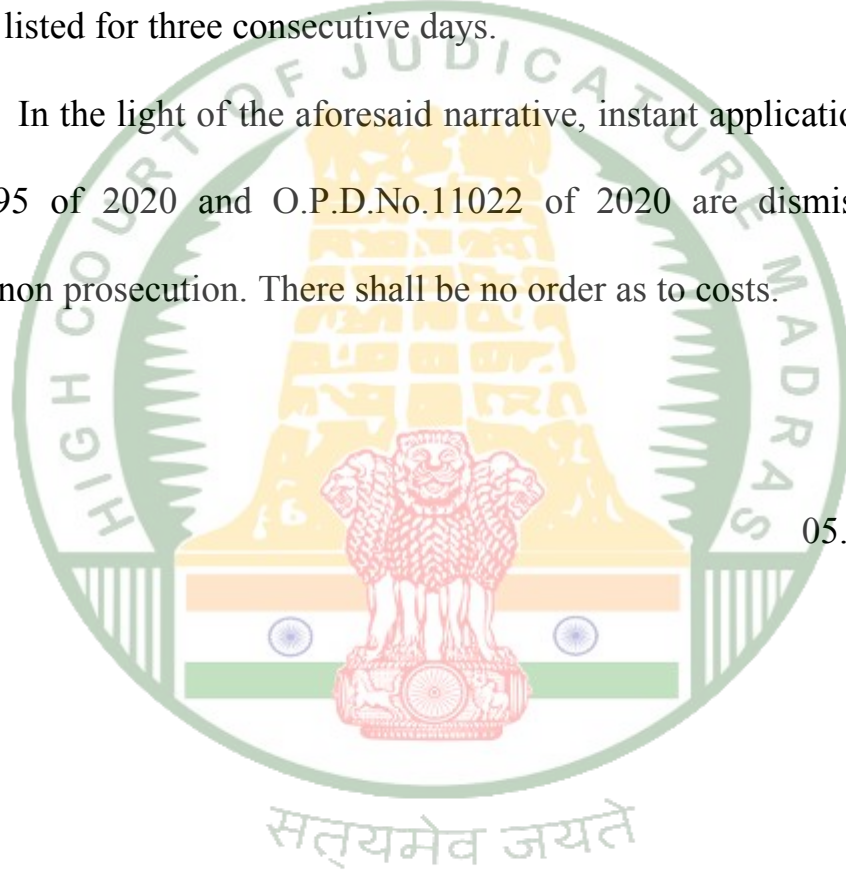
2 Pursuant to the aforementioned proceedings, this matter is listed under the caption 'FOR DISMISSAL' today. To be noted, today also, the matter has been duly shown in the cause list notifying that the matter is to be heard out through video conferencing. In the cause list, all necessary particulars, such as meeting number and password have also been given, but the position is no different today. In other words, there is no representation for applicants / petitioners today also.

3 From the proceedings dated 04.06.2020 (extracted and reproduced supra) and the narrative qua virtual court hearing today, it emerges clearly that applicants / petitioners have been given sufficient / adequate opportunity, but have not chosen to pursue the matter though it has been listed for three consecutive days.

4 In the light of the aforesaid narrative, instant application being A.No.1195 of 2020 and O.P.D.No.11022 of 2020 are dismissed for default / non prosecution. There shall be no order as to costs.

05.06.2020

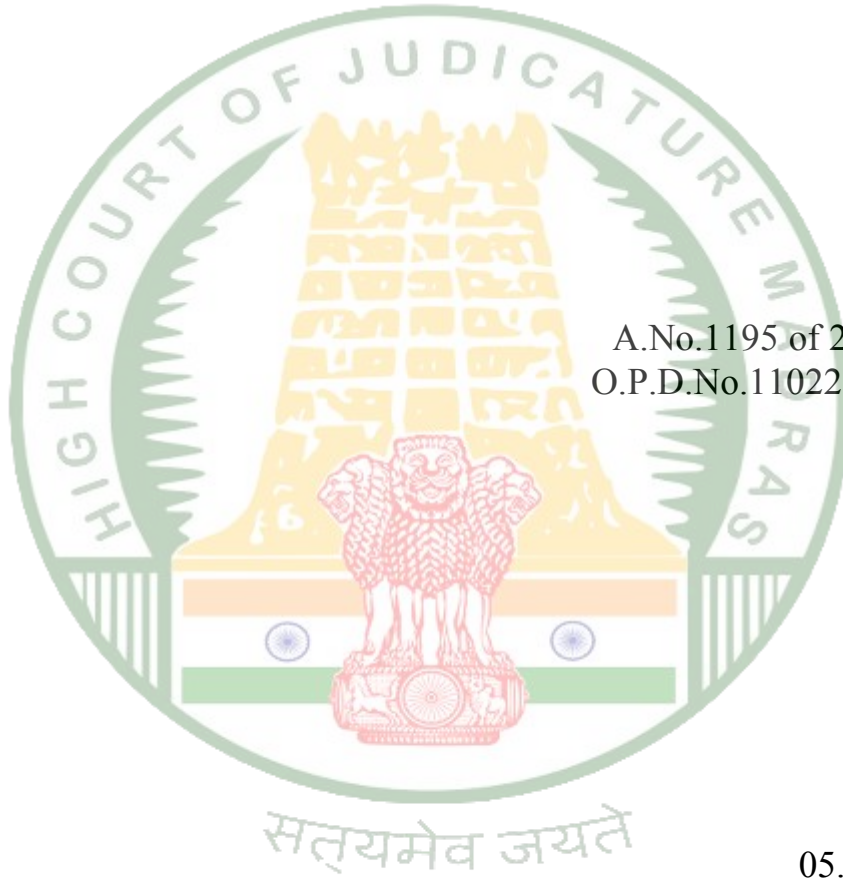
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A.No.1195 of 2020 and O.P.D.No.11022 of 2020

M.SUNDAR, J.
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A.No.1195 of 2020 and
O.P.D.No.11022 of 2020

05.06.2020

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