

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 28TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.3821 of 2019

in

O.A.No.581 of 2019

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of dispute between Boltz
Engineering Pvt. Ltd., -vs- M/s. Smard
arising out of the Contract dated
23.01.2019.

M/s.Boltz Engineering Pvt. Ltd.,
Rep.by its General Manager
Mr.S.J.Karthikeyan
Jupiter Complex, 1st Floor, No.67/19
Dr.Ranga Road, Mylapore,
Chennai 600 004.

... Applicant

(in OA.No.581 of 2019)

-Versus-

M/s. Smard
Rep.by its Managing Partner, Mr.Suraj Tandassery
No.6/185, 14th Cross Street,
Defence Officers Colony,
Ekkattuthangal, Chennai 600 032.

... Respondent

(in OA.No.581 of 2019)

Application praying that this Hon'ble Court be pleased to appoint

an Advocate Commissioner to take inventory of the equipments belonging

to the Applicant lying at the project site at New in Patient Block, Christian

Medical College & Hospital Complex, Vellore and remove the same and handover the said equipments to the Applicant.

This Original Application coming on this day before this court for hearing the court made the following order:

This application has been filed to appoint an Advocate Commissioner to take inventory of the equipments belonging to the applicant lying at the project site at New Inpatient Block, Christian Medical College and Hospital Complex, Vellore and remove the same and hand over the said equipments to the applicant.

2. It is submitted by the learned counsel appearing for the applicant that Arbitration Proceedings has not been initiated. This application is pending from the year 2019 and it has been filed for interim measure. The manifest intention to invoke the arbitration is one of the criteria, provided under Section 9 of the Arbitration and Conciliation Act. In the absence of such intention, this court is of the view that no further order is required to be passed. Accordingly, this petition is closed.

Sd/.N.S.K.J.
28.09.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/07.10.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.