

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATE: 12.08.2021

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**A. No.3388 of 2007**

M/s. India Cements Capital and  
Finance Limited,  
(Formerly known as M/s.Aruna Sugars  
Finance Ltd.)

... Applicant

Vs.

1. M/s.Jawahar Mills Ltd.

2. Mr.P.L.Vivekanandan

... Respondents

**Prayer:** Application filed under Section 9(a)(c)(e) of the Arbitration and Conciliation Act, 1996, praying to appoint an advocate commissioner to take custody of the machinery set out in the schedule hereunder with police protection, from the place of the respondent or from such other place wherever they (machinery) are found and to deliver possession and custody of the same to the petitioners and to break open the premises where the machinery is situated, if necessary, and permit the petitioners to sell the same until further orders of this Hon'ble Court.

For Applicant : Ms.Jayanthi Venkatesh

For Respondents : Mr.E.Hariharan for  
Mr.P.L.Narayanan

**ORDER**

**(This case has been heard through video conference)**

Today, when the matter taken up for hearing, learned counsel appearing for both sides submitted that they have given change of vakalat.

2. In such view of the matter, none appeared on behalf of applicant as well as respondents, which shows that both the parties are not interested in prosecuting the case. However, as the application has been filed in the year 2007 for appointment of advocate commissioner, the prayer sought in this application has become infructuous. Accordingly, this application is dismissed as infructuous. No costs.

**12.08.2021**

rpp

सत्यमेव जयते

WEB COPY

**N.SATHISH KUMAR, J.**

rpp



**A. No.3388 of 2007**

WEB COPY

**12.08.2021**