

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

Coram

**THE HONOURABLE MR. JUSTICE M.SUNDAR**

**O.P.No.57 of 2020 &  
A.No.408 of 2020 in  
O.P.No.57 of 2020**

1. Revathy Muruges  
2. Ramaiah Muruges

... Petitioners

vs.

M/s.Cholamandalam Investment & Finance Company Limited  
(Formerly known as M/s.Cholamandalam DBS Finance Limited)  
Represented by Mr.B.Muthukumar Dy.GM-Legal  
Dare House No.2, N.S.E.Bose Road, Chennai – 600 001 ... Respondent

Petition filed under Section 34(2)(iii) and 34(2)(b)(ii) of the Arbitration and Conciliation Act, 1996 to set aside the award dated 05.12.2019 passed by the learned Arbitrator and pass such other order which are deemed fit and necessary in the nature and circumstances of the case and thus render justice.

For Petitioners : Ms.Nivedita Bhaskaran  
with Ms.Sabitha of M/s.Shree Law Services  
(Law Firm)

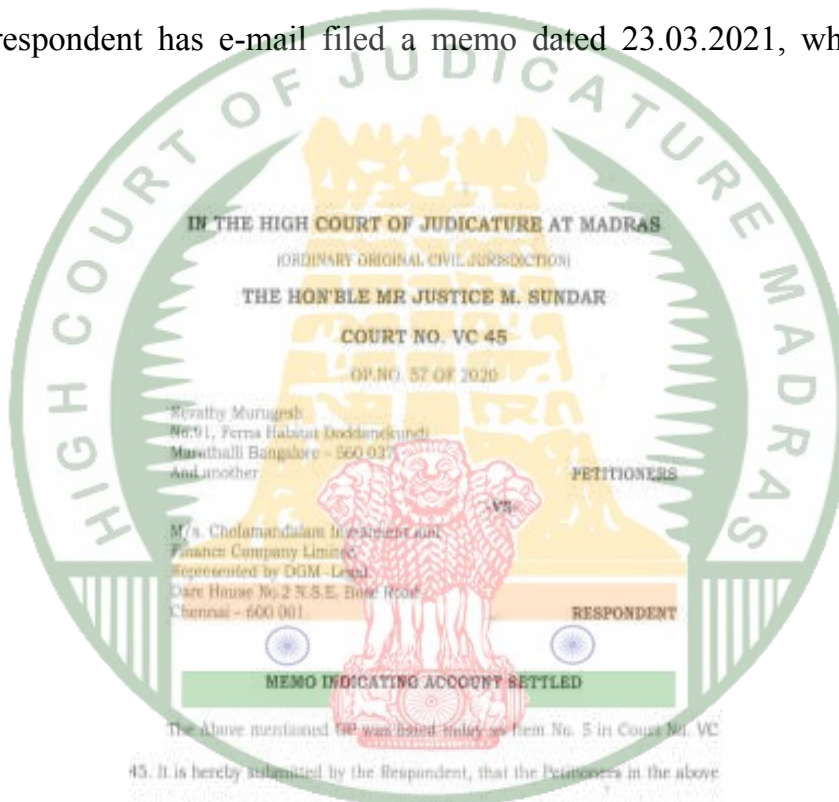
For Respondent : Mr.B.Anand Johnson

**ORDER**

Captioned Original Petition being 'O.P.No.57 of 2020' shall be referred to as 'main OP' for the sake of convenience. Captioned application has been taken out by the petitioners in captioned main OP.

2. Be that as it may, Ms.Nivedita Bhaskaran and Ms.Sabitha, learned

counsel of M/s.Shree Law Services (Law Firm) on record for two petitioners in main OP / two applicants in captioned application and Mr.B.Anand Johnson, learned counsel on record for lone respondent in captioned main OP as well as captioned application are before this Virtual Court. Learned counsel on record for lone respondent has e-mail filed a memo dated 23.03.2021, which is as follows:



The Above mentioned OP was filed under Item No. 5 in Court No. VC 45. It is hereby submitted by the Respondent, that the Petitioners in the above Original Petition has paid all the outstanding dues arising out of the Award Dated 05.12.2019 to the Respondent herein.

It is therefore humbly submitted that the above mentioned Original Petition may be closed as there are no outstanding dues from the Petitioner arising out of the Award dated 05.12.2019 and thus pass any other order or orders and render justice.

Dated at Chennai this the 23rd March 2021

  
COUNSEL FOR RESPONDENT

3. Learned counsel for respondent has shared the aforementioned memo with the counsel for petitioners/applicants, who confirms receipt.

4. In the virtual hearing today, on instructions, learned counsel for respondent confirms full satisfaction of impugned award i.e., Arbitral Award dated 15.12.2019 bearing reference Arbitration Case No.194/2019. Learned counsel for respondent reiterates the contents of the aforementioned memo and submits that the respondent company does not have any claim against the petitioners qua the impugned award. This submission is recorded. The aforementioned memo is taken on file.

5. In the light of the aforementioned memo and stated position of the respondent, learned counsel for petitioners submits that the matter has been settled out of Court, this means curtains on / end of the road qua campaign against impugned award owing to which captioned OP can be withdrawn and therefore, they will be entitled to refund of full Court fee in accordance with the recent judgment of Hon'ble Supreme Court in ***The High Court of Judicature at Madras Vs. M.C.Subramaniam & Ors.*** reported in ***2021 SCC OnLine SC 109***. Saying so, learned counsel seek leave to withdraw the captioned OP as settled out of Court.

6. In the light of the aforementioned memo filed by learned counsel for respondent, this request of petitioners' counsel to withdraw the captioned OP is acceded to.

7. Captioned OP is settled out of Court and is therefore dismissed as withdrawn. In the light of aforementioned ***M.C.Subramaniam*** judgment of Hon'ble Supreme Court, the matter having been settled out of Court, petitioners are entitled to refund of full Court fee.

8. Registry shall treat this order as a directive for refund of full Court fee, process refund and pay out the same (subject to standard deductions if any and subject to counsel for petitioners complying with the procedural requirements) by way of an instrument drawn in favour of first petitioner, namely Revathy Muruges. To be noted, learned counsel for petitioners makes a specific request for refund of Court fee by way of an instrument in the name of first petitioner. Consequently, captioned application is also closed.

Captioned OP dismissed as withdrawn with the aforementioned directive for refund of Court fees. The refund process shall be completed as

expeditiously as possible and in any event, within five weeks from today i.e.,  
on or before 27.04.2021. There shall be no order as to costs.

23.03.2021

Speaking order: Yes/No  
Index: Yes/No  
gpa

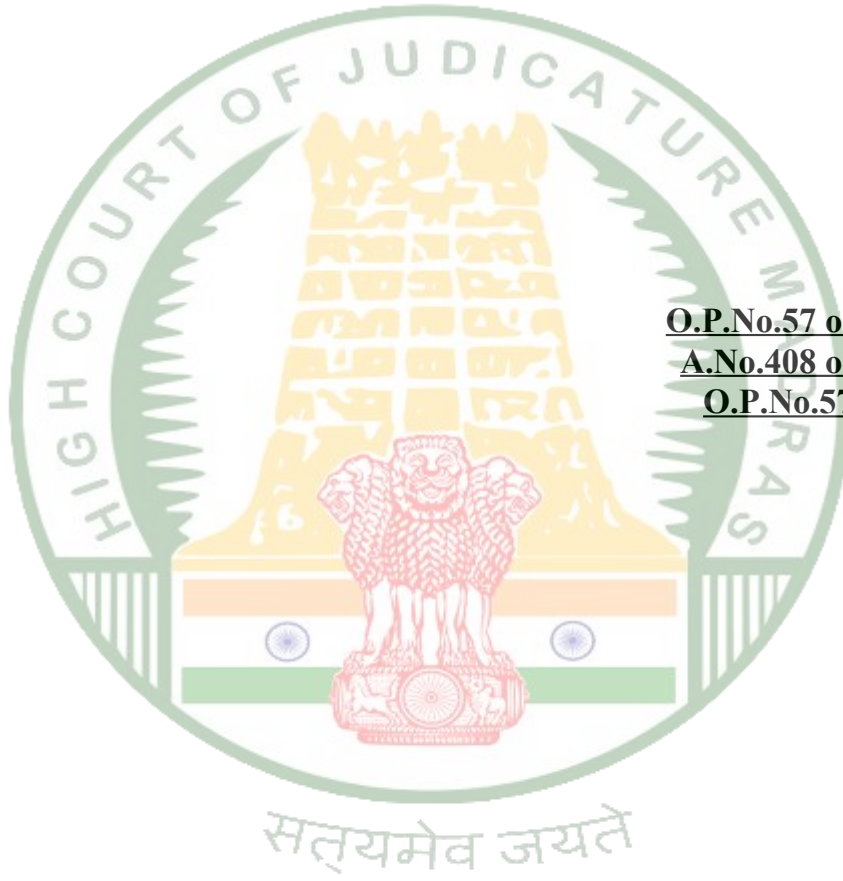


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**M.SUNDAR.J.,**

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