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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 31<sup>st</sup> DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.536 of 2010

In the matter Arbitration and  
Conciliation Act, 1996

And

In the matter of Award dated  
03.04.2007 passed by  
Mr.Y.K.Rajagopal.

1.Mr.S.Ramachandran,  
S/o. Mr.Subbiah Nadar,  
No.4/73-D, Mela Authoor,  
Tuticorin – 628151.

2. Mr.R.Ramesh Subbiah,  
S/o.Mr.S.Ramachandran,  
No.4/73-D, Mela Authoor,  
Tuticorin – 628151.

...Petitioners

Vs.

1. M/s.Sundaram Finance Limited,  
No.21, Pattulos Road,  
Chennai – 600 002.

2.Mr.Y.K.Rajagopal,  
Sole Arbitrator,  
222/3, Rohini Flats,  
Anna Nagar West,  
Chennai – 600 101.

: Respondents



**WEB COPY** Original Petition praying that this Hon'ble Court be pleased to a)set aside the impugned award dated 03.04.2007 passed by the Learned Sole Arbitrator Mr.Y.K.Rajagopal in Arbitration Case No.R/SF/35 of 2006  
b. direct the respondent to pay to the petitioners the cost of this petition.

This Original Petition coming on this day before this court for hearing in the presence of Mr.J.Antony Jesus, advocate for the petitioners herein and Mr.E.Thamizharasan for Mr.T.Srinivasa raghavan, advocates for the 1<sup>st</sup> respondent herein and upon reading the petition and the award dated 03/04/2007 filed herein and the learned counsel for the respondent having stated that since the principal borrower is died, the settlement has been arrived with the Guarantor and the second petitioner/Guarantor has agreed to pay the outstanding amount for a sum of Rs.42,000/-(Rupees Forty two thousand only) and this court doth recorded the said submission and

**it is ordered as follows:-**

1. That the Original Petition is hereby disposed of in terms of settlement reported by both sides.

2. That if the second petitioner fails to pay the outstanding amount as agreed, the respondent herein be and is hereby directed to enforce the award



Forty two thousand only).

WEB COPY WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE  
31ST DAY OF AUGUST 2021.

SD/-

ASSISTANT REGISTRAR (O.S. II)

//Certified to be true copy//

Dated at Madras this the     day of     2022.

COURT OFFICER(O.S.)

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the Orders/Judgments/Decrees in this format.



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22/11/2021

O.P. No.536 of 2010

ORDER:

DATED: 31.08.2021

THE HON'BLE MR.JUSTICE  
N. SATHISH KUMAR

FOR APPROVAL:21/01/2022

APPROVED ON:24/01/2022



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

Dated 31.08.2021

CORAM:

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

**O.P.No.536 of 2010**

1. Mr.S.Ramachandran

2. Mr.R.Ramesh Subbiah

. . . Petitioners

Versus

1.M/s.Sundaram Finance Limited.  
No.21, Pattulos Road,  
Chennai- 600 002

2.Mr.Y.K.Rajagopal,  
Sole Arbitrator.  
Respondents

. . .

**PRAYER :** Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the impugned award dated 03.04.2007 passed by the learned Sole Arbitrator Mr.Y.K.Rajagopal in Arbitration Case No.R/SF/35 of 2006 and direct the respondent to pay to the petitioners the cost of this petition.

For Petitioner : Mr.J.Antony Jesus

For Respondent : Mr.E.Thamizharasan  
for Mr.T.Srinivasaraghavan

**ORDER**

<https://hcservices.ecourts.gov.in/hcservices/> This original petition has been filed to set aside the impugned



award dated 03.04.2007 passed by the learned Sole Arbitrator Mr.Y.K.Rajagopal in Arbitration Case No.R/SF/35 of 2006 and direct the respondent to pay to the petitioners the cost of this petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. It is stated by the learned counsel for the respondent that since the Principal borrower is died, the settlement has been arrived with the Guarantor and the second petitioner/Guarantor has agreed to pay the outstanding amount for a sum of Rs.42,000/- (Rupees forty two thousand only). The said submission is recorded.

4. In such view of the matter, nothing survives in this original petition.

5. Accordingly, this original petition is disposed of in terms of settlement reported by both sides. If the second petitioner fails to pay the outstanding amount as agreed, the respondent is directed to enforce the award dated 03.04.2007 as per law to the extent of sum of Rs.42,000/-.

Sd./-N.S.K.J.  
31.08.2021

//Certified to be true copy//

Dated at Madras this the      day of      2022.

COURT OFFICER(O.S.)

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