

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA Nos.802, 803, 804, 805, 806, 809,
810, 811, 813, 816 of 2019
and

CMP Nos.2293, 2301, 2306, 2307, 2315, 2316,
2318, 2321, 2326, 2334 of 2019

In CMA No.802 of 2019

1. M/s. DSC Motor Pvt Ltd
2. D. Selvakumar
3. S. Nithyakalyani

...Appellants

versus

M/s. Sundaram Finance Ltd
No.21, Pattullas Road,
Chennai – 600 002.

... Respondent

Prayer in CMA No.802 of 2019: Civil Miscellaneous Appeal filed under Section 37 (2) (b) of the Arbitration and Conciliation Act, 1996 to set aside the Order dated 17.10.2018 made in I.A. No.134/2018 in Arbitration Case No.SSP/SF/239/2018 on the file of the Arbitral Tribunal consisting of Sole Arbitrator, Dr. S.S.P. Darwesh, Chennai.

For Appellants in all CMAs : Mr.D. Bhaskaran

For Respondents in all CMAs : Served - No appearance

COMMON JUDGMENT
(Heard video conference)

There is no representation on the side of the Appellants.

2. The learned counsel for the respondent is present. He would submit that subsequent to the passing of the impugned orders dated 17.10.2018 under Section 17 of the Arbitration and Conciliation Act, an Arbitral Award has been passed on 25.02.2019 in favour of the respondent which has not been challenged, till date. The same is recorded.

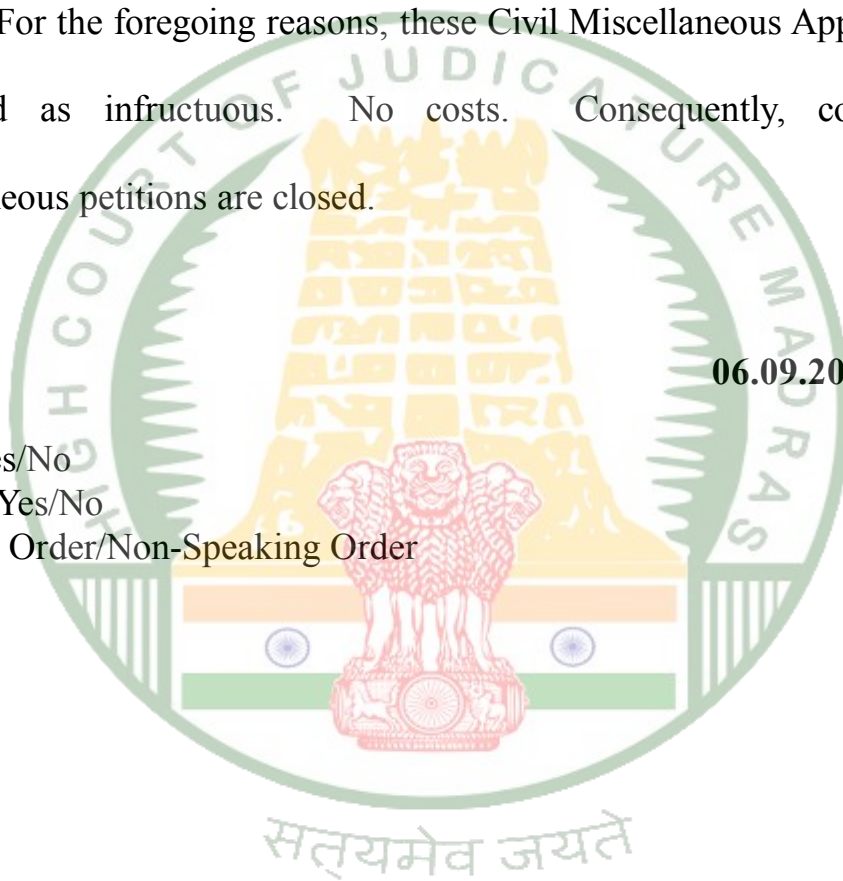
3. All these appeals have been filed challenging the separate orders filed under Section 17 of the Arbitration and Conciliation Act, wherein the property of the appellants were directed to be attached by the Arbitral Tribunal. Since the Arbitral Award has been passed in favour of the respondent against the appellants on 25.02.2019, the challenge to the impugned orders which have been passed under Section 17 of the Arbitration and Conciliation Act, during the pendency of the Arbitration have now become infructuous. Accordingly, all these appeals are

dismissed as infructuous, in view of the fact that under the said Arbitral Awards, the appellants have been directed to pay a sum in excess of Rupees five crores.

4. For the foregoing reasons, these Civil Miscellaneous Appeals are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

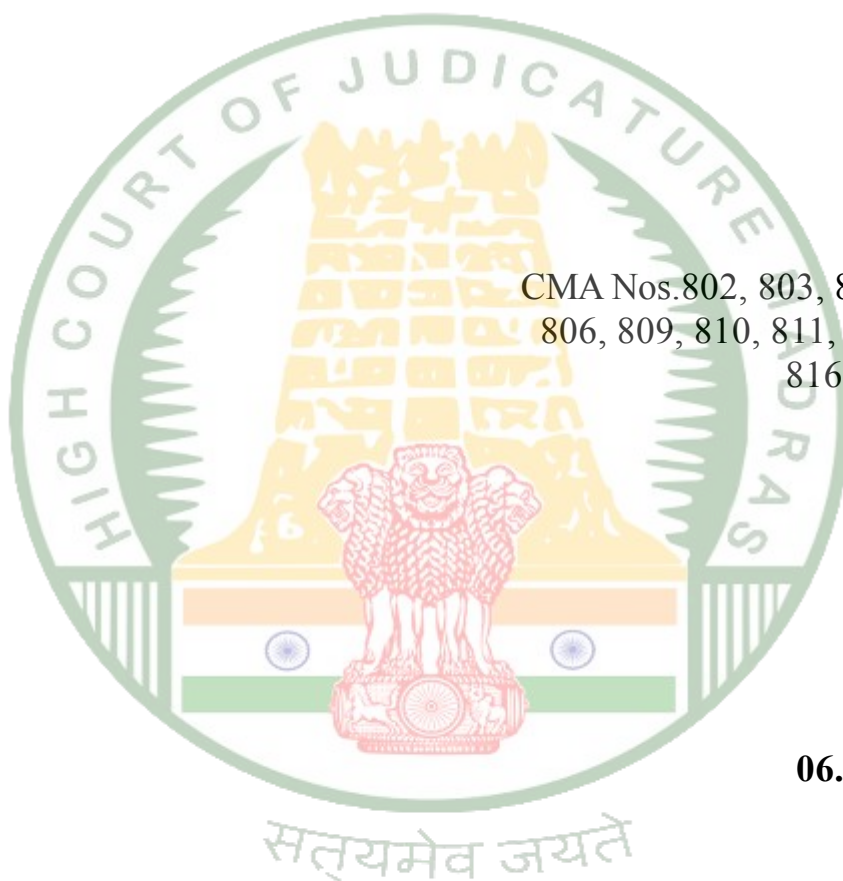


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ABDUL QUDDHOSE, J.

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CMA Nos.802, 803, 804,805,
806, 809, 810, 811, 813 and
816 of 2019

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