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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY THE 05TH DAY OF AUGUST 2021

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.NO.152 of 2020

And

A.NO.733 OF 2020

O.P.NO.152 And A.No.733 of 2020:-

In the matter of the Arbitration
and Conciliation Act, 1996

AND

In the of Arbitral Award dated
05.12.2019 and in Arbitral
dispute arising out of invoices
issued by the Respondent

1. Ritu Stationary Mart,
Narayan Katra, NichiBhag,
Varanasi, Uttar Pradesh – 220 001.
By its Proprietor,
Late.ShriDhruvBhargava,
Represented by his
Legal Heirs/representatives

2. Mr.Sharad Bhargav,
S/o.Late Mr.DhruvBhargav,
Plot No.20, Lane Number-1,
House No.B-27/88-20,
RavidraPuri Colony,
Bhelupur, Varanasi.

...Applicants/Petitioners

Vs

1. Redington (India) Pvt Ltd.,
Represented by Mr.S.Srinivasan,
Senior Manager having its registered office,
at SPL Guindy House,
95-Mount Road,
Guindy, Chennai – 600 032.



2. Mr.Prahalad Bhargav,
S/o.Late Mr.DhuruBhargav,
Plot No.20, Lane Number -1,
House No.B-27/88-20,
RavidraPuri Colony,
Bhelupur, Varanasi.

3. Mrs.Varsha Bhargav,
D/o.Late Mr.DhuruBhargav,
Plot No.20, Lane Number 1,
House No.B-27/88-20,
RavidraPuri Colony,
Bhelupur, Varanasi.

4. Ms.Ritu Bhargav,
D/o.Late Mr.DhuruBhargav,
Plot No.20, Lane Number 1,
House No.B-27/88-20,
RavidraPuri Colony,
Bhelupur, Varanasi.

5. Ms.CharuBhargav,
D/o.Late Mr.DhuruBhargav,
Plot No.20, Lane Number 1,
House No.B-27/88-20,
RavidraPuri Colony,
Bhelupur, Varanasi.

...Respondents/Respondents

O.P.NO.152 of 2020:-

Original Petition praying that this Hon'ble Court be pleased to set-aside the Award dated 05.12.2019 passed by the Learned Sole Arbitrator.

A.No.733 of 2020:-

Application praying that this Hon'ble Court be pleased to pass an

<https://hcservices.ecourts.gov.in/hcservices/>

order of Interim stay of the impugned order dated 05.12.2019 passed by



the Learned Sole Arbitrator pending disposal of the original petition.

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This Original Petition along with the application coming on this day before this court for hearing in the presence of Mr.KT.Sankar Subramanian, Advocate for the petitioners in O.P.No.152 of 2020 and for the applicants in A.No.733 of 2020 and Mr.S.S.Rajesh, Advocate for the 1st respondent in O.P.No.152 of 2020 and A.No.733 of 2020 and upon reading the petition, and the award dated 05/12/2019 and the memo dated 16/07/2021 along with memorandum of understanding filed in O.P.No.152 of 2020 and the order herein dated 24/02/2020 and the said memorandum of understanding morefully setout in the schedule hereunder signed by the 1st petitioner and the 1st respondent and witnesses and the learned counsel for the petitioners having submitted that the matter has been settled between the parties and memorandum of understanding dated 16/04/2021 has been filed stating that the first petitioner has agreed to pay the amount due to the first respondent in ten(10) equal installments and he seeks permission of this court to withdraw this petition and **it is ordered as follows:-**

That the O.P.No.152 of 2020 be and is hereby dismissed as withdrawn.

2. That he A.No.733 of 2020 do stand closed.

3. That if the first petitioner fails to make payment according to the



memorandum of understanding dated 16/04/2021 and it is open to the decree holder to enforce the award dated 05/12/2019 as per law.

4. That there shall be no costs of this petition.

Schedule
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O.P.No.152 of 2020
And
A.No.733 of 2020

ORDER

DATED :05.08.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL:20/09/2021

APPROVED ON:20/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No. 152 of 2020

and Application No.733 of 2020

1. Ritu Stationery Mart
Narayan Katra, NichiBhag,
Varanasi, Uttar Pradesh – 220001
By its Proprietor, Late Shri DhruvBhargava
Represented by his Legal heirs/representatives

2.Mr.SharadBhargav

. . . Petitioners

Versus

1.Redington (India) Pvt Ltd
Represented by Mr.S.Srinivasan
Senior Manager having its registered Office
at SPL Guindy House,
95-Mount Road,
Guindy, Chennai – 600 032

2. Mr.PrahaladBhargav

3.Mrs.VarshaBhargav

4.Mr.RituBhargav

5.Ms.CharuBhargav

. . . Respondents

PRAYER : Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award dated 05.12.2019 passed by the learned Sole Arbitrator.



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For Petitioners : Mr.KT Sankar Subramanian
For Respondents : Mr.S.S.Rajesh for R1

ORDER

This original petition has been filed to set aside the award dated 05.12.2019 passed by the learned Sole Arbitrator.

2.When the matter was taken up today, the learned counsel appearing for the petitioners submitted that the matter has been settled between the parties and Memorandum of Understanding dated 16.04.2021 has been filed stating that the first petitioner has agreed to pay the amount due to the first respondent in ten(10) equal instalments. He seeks permission of this Court to withdraw this petition.

3. In such view of the matter, this original petition is dismissed as withdrawn and the Memorandum of Understanding dated 16.04.2021 entered between the parties shall form part of this Order. No cost.

Consequently, connected application is closed.



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4. If the first petitioner fails to make payment according to the Memorandum of Understanding dated 16.04.2021, it is open to the decree holder to enforce the award dated 05.12.2019 as per law.

Sd./-N.S.K.J
05.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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