



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 12th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISHKUMAR

O.P.No.154 of 2015

and

A.No.2095 of 2015

In the matter of the Arbitration
and Conciliation Act, 1996

and

In the matter of the Award dated
12.11.2012 passed by

Mr.C.A.Ravichandran, Sole
Arbitrator in respect of the
dispute between M/s. Shriram
Chity Union Finance Ltd., and
P.Suresh Babu & 3 others at
Chennai

Mr.E.Kuppuswamy
S/o. Mr.Elumalai
No.27/13/1 Basha Street,
Choolaimedu, Chennai 600 094.

. . . Petitioner/Applicant

Versus

1. M/s.Shriram City Union Finance Ltd.,
Rep. by its Authorized representative
No.6, 3rd Floor, Sorranto Building, LB Road,
Adyar, Chennai – 600 020.

2. Mr.C.A.Ravichandran,
Sole Arbitrator
Door No 90, Peters Road,
New College Shopping Complex,
Chennai – 600 014.



3. Mr.P.Suresh Babu
S/o. Perumal
No.33, 15th Street, Mullai Nagar,
Ashok Nagar, Chennai 83.

4. Mr.S.Ravi
S/o. Sankaralingam,
No.74, Kamarajar Salai,
Anagaputhur, Chennai 70.

5. Mr.D.N.Manoharan
S/o. D.Narayanan
No.27, Iyenchery Main Road,
Urapakkam, Chennai 603210.

. . . Respondents/Respondents

O.P.No.154 of 2015:-

Original Petition praying that this Hon'ble be pleased to:-

i) Set aside the award dated 12.11.2012, passed by the Second Respondent acting as the Sole arbitrator in Arbitration Proceedings bearing Case No.ACP No.[EF/CAR].287 of 2012 in the matter of dispute between the petitioner and the respondents and consequently, reject the claim of the first respondent as against the petitioner.

2) Pay the costs of these proceedings.

A.No.2095 of 2015:-

Application praying that this Hon'ble be pleased to grant stay of all further proceedings of the E.P.No.21 of 2014 in ACP No. (EF/CAR)287 of 2012, on the file of IX Asst City Civil Court at Chennai till disposal of the above O.P.

This Original Petition alongwith the Application coming on this day



before this court for hearing in the presence of Mr.D.Senthil Kumar, Advocate for the Petitioner in O.P.No.154 of 2015 and for the applicant in A.No.2095 of 2015 and Mr.K.V.Ananthakrishnan, Advocate for the respondents in O.P.No.154 of 2015 and A.No.2095 of 2015 and upon reading the petition and the Award dated 12.11.2012 filed in O.P.No.154 of 2015 and the judges summons and the affidavit of E.Kuppuswamy filed in A.No.2095 of 2015, and the affidavit of S.Dhandapani filed in O.P.No.154 of 2015 and the learned counsel for the first respondent having submitted that that the first respondent is not going to execute the award as against the surety, namely, the petitioner herein, and the learned counsel for the first respondent has also filed an affidavit to that effect, and in such view of the undertaking by the first respondent giving up their right to proceed against the petitioner, It is ordered as follows:-

That the O.P.No.154 of 2015 be and is hereby dismissed as not pressed.

2. That it is made clear that in view of the undertaking given by the first respondent, the first respondent, proceedings either against the petitioner or against his legal heirs, shall not be continued on the basis of the award.

3. That the connected A.No. 2095 of 2015 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 12th DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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SK-25.08.2021

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O.P.No.154 of 2015
and
A.No.2095 of 2015

ORDER :-
DATED : 12.07.2021

THE HON'BLE MR.JUSTICE
N.SATHISHKUMAR

FOR APPROVAL: 27.08.2021

APPROVED ON: 27.08.2021



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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.154 of 2015 & A.No.2095 of 2015

Mr.E.Kuppuswamy

. . . Petitioner

Versus

1. M/s.Shriram City Union Finance Ltd.,
Rep. by its Authorized representative
No.6, 3rd Floor, Sorrento Building, LB Road,
Adyar, Chennai – 600 020.
2. Mr.C.A.Ravichandran,
Sole Arbitrator
Door No.90, Peters Road,
New College Shopping Complex,
Chennai – 600 014.
3. Mr.P.Suresh Babu
4. Mr.S.Ravi
5. Mr.D.N.Manoharan

. . . Respondents

PRAYER : Petition filed under Section 34 of Arbitration and Conciliation

Act, 1996 to set aside the award dated 12.11.2012, passed by the Second

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

Respondent acting as the Sole arbitrator in Arbitration Proceedings bearing



Case No.ACP No.[EF/CAR].287 of 2012 in the matter of dispute between the petitioner and the respondents and consequently, reject the claim of the first respondent as against the petitioner.

For petitioner : Mr.D.Senthil Kumar

For respondents : Mr.K.V.Ananthakrishnan

ORDER

This petition has been filed to set aside the award passed by the sole arbitrator, namely, the second respondent herein dated 12.11.2012.

2. Today, when the matter came up for hearing, the learned counsel for the first respondent submitted that the first respondent is not going to execute the award as against the surety, namely, the petitioner herein. The learned counsel for the first respondent has also filed an affidavit to that effect.

3. In such view of the undertaking by the first respondent giving up their right to proceed against the petitioner, this Original petition is dismissed as not pressed. It is made clear that in view of the undertaking



given by the first respondent, the first respondent, proceedings either against the petitioner or against his legal heirs, shall not be continued on the basis of the award. Consequently, connected application is closed.

Sd./-(N.S.K.J.,)

12.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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