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Original Petition Nos. 293 and 596 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Original Petition Nos. 293 and 596 of 2019
a n d
Application No.2737 of 2019

1.M/s.Raj Palace Sundar,
Represented by its partners : Mr.R.Sundareswarn,
and Mr.R.P.Rajan,
No.12, Dr.Durgabai Deshmukh Road,
R.A.Puram,
Chennai - 6000028.

2. Mr.R.Sundareswaran,

3.Mr.R.P.Rajan

. . . Petitioners
(In O.P.No.293 of 2019)

M/s.Andhra Mahila Sabha,
represented by its Addl.Secretary,
Mr.T.K.Ranganathan,
No.12/1, Thanikachalam Road,
T.Nagar, Chennai - 600017.

. . . Petitioner
(In O.P.No.596 of 2019)

Versus

M/s.Andhra Mahila Sabha,
represented by its Addl.Secretary,
Mr.T.K.Ranganathan,
No.12/1, Thanikachalam Road,
T.Nagar, Chennai - 600017.

. . . Respondent
(In O.P.No.293 of 2019)



Original Petition Nos. 293 and 596 of 2019

1.M/s.Raj Palace Sundar,
Represented by its partners : Mr.R.Sundaeswarn,
and Mr.R.P.Rajan,
No.12, Dr.Durgabai Deshmukh Road,
R.A.Puram,
Chennai - 6000028.

2. Mr.R.Sundaeswaran,

3.Mr.R.P.Rajan

. . . Respondents
(In O.P.No.596 of 2019)

PRAYER in O.P.No.293 of 2019: Petition filed under Section 34(2)(a)(iv),34(2)(b)(i)(ii) of Arbitration and Conciliation Act, to set aside the Arbitration Award in A.F.94 of 2017 dated 11.03.2019 by the learned sole Arbitrator and direct the respondents to pay the cost of this Original Petition.

PRAYER in O.P.No.596 of 2019: Petition filed under Section 34 of Arbitration and Conciliation Act, to set aside the Arbitration Award in A.F.94 of 2017 dated 11.03.2019 by the learned sole Arbitrator as regards the rejected claims of the petitioner and direct the respondents to pay the cost of this Original Petition.

For Petitioners	: Mr.Anirudh Krishnan (in O.P.No.293 of 2019)
	: Mr.Manoj Sreevalsan (in O.P.No.596 of 2019)
For Respondents	: Mr.Manoj Sreevalsan (in O.P.No.293 of 2019)
	: Mr.Anirudh Krishnan (in O.P.No.596 of 2019)



COMMON ORDER

These original petitions have been filed to set aside the Arbitration Award in A.F.94 of 2017 dated 11.03.2019 by the learned sole Arbitrator.

2. Heard Mr.Anirudh Krishnan and Mr.Manoj Sreevalsan learned counsel for the petitioners in O.P.No.293 and 596 of 2019 respectively.

3. Today, when the matters were taken up for hearing, learned counsel appearing for the petitioners in O.P.No.293 of 2019 has produced a Joint Memorandum of Compromise.

4. In the said Joint Memorandum of Compromise, the parties had agreed to the following compromises:

a) That the licensee (M/s.Raj Palace Sundar) hereby undertakes that they shall remove their establishment and stop their operations in the license premises finally and totally on and with effect from 31.05.2024.



b) That on and from 01.06.2024, the Licensor (AMS) shall be entitled and free to resume its activities in the said licensed premises, without the necessity of initiating any further proceedings, in law.

c) M/s. Raj Palace Sundar shall not have any right, claim or interest Vis-a-Vis the said premises from 01.06.2024 and shall not be entitled to undertake activity and any nature, therein.

d) M/s.Raj Palace Sundar (Licensee) shall pay a License fee on Rs.4 lakhs per month. The monthly license fee shall be subject to 5% increase every year namely from 01.06.2022 and 01.06.2023.

e) It is further agreed that apart from the aforesaid agreement stated in Sub-Clauses (a) and (d) hereinabove agreed before the Mediator, the other terms and conditions stated in the License Agreement dated 13.06.2008 shall continue to be in force till 31.05.2024.

5. In view of the above, these Original Petitions are disposed of. Joint



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Memorandum of Compromise shall form part of the records. Consequently,
connected A.No.2737 of 2019 is closed.

29.10.2021

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs



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N. SATHISH KUMAR, J

psa/mvs

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