

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 30TH DAY OF SEPTEMBER 2021

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Arb.O.P.(Comm.Div.)No.121 of 2021

and

A.No.2993 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of award dated
29.04.2021 passed by the Sole
Arbitrator Mr.R.Narayanan,
BA, BL., in respect of dispute
between M/s Sundaram Finance
Limited and Mr.Sathis Kannan &
another arising under Loan
Agreement No.N000800123 dated
25.04.2018 BETWEEN

1.Mr.Sathis Kannan,
S/o Mr.R.Saruvamalai,
No.4/716G, Vinayagam Nagar,
Nagarajapuram, Trichy Road,
Namakkal – 637 001.

Also at:

Old No.4/35, New No.4/39,
Thoppur, Ariyur,
Namakkal – 637 001.

2.Mrs.Sangeetha,
W/o Mr.Sathis Kannan,
No.4/716G, Vinayagam Nagar,
Nagarajapuram, Trichy Road,
Namakkal – 637 001.

Also at:

Old No.4/35, New No.4/39,
Thoppur, Ariyur,
Namakkal – 637 001.

.....Petitioners/Applicants

Vs

M/s Sundaram Finance Limited,
No:21, Patullos Road,
Chennai – 600 002.

...Respondents/Claimant

Arb.O.P.(Comm.Div.)No.121 of 2021:-

Arbitration Original Petition praying that this Hon'ble Court be
pleased to

(a) For setting aside the Arbitral Award dated 29.04.2021 passed in
Arbitration Case No.286 of 2019 by the Arbitral Tribunal.

(b) Cost of the Original Petition.

A.No.2993 of 2021:-

Application praying that this Hon'ble Court be pleased to stay all the
proceedings in respect of the arbitral award passed by the Learned Sole
Arbitrator in Arbitration Case No.286 of 2019 dated 29.04.2021 till the
disposal of the main original petition.

This Arbitration Original Petition (Comm.Div), along with the
Application coming on this day before this Court for hearing, in the
presence of M/s T.Anu Priya, Advocate for the petitioner in
Arb.O.P.(Comm.Div) No.121 of 2021, and for the applicant in A.No.2993

of 2021, and Mr.R.Uma Shankar for M/s Sri & Shankar Associates, Advocates for the respondent in Arb.O.P.(Comm.Div) No.121 of 2021 and A.No.2993 of 2021 and upon reading the Petition and the award dated 29.04.2021 filed in Arb.O.P.(Comm.Div) No.121 of 2021, and the Judge's Summons and the affidavit of Sathis Kannan filed in A.No.2993 of 2021, **It is ordered as follows:-**

That the petitioners herein be and are hereby directed to deposit 50% of the award amount, before this court on or before 29.10.2021.

2. That subject to the condition as mentioned in Clause (I) Supra, all the proceedings in respect of the arbitral award passed by the Learned Sole Arbitrator in Arbitration Case No.286 of 2019 dated 29.04.2021 be and is hereby stayed.

3. That in default of paying the aforesaid amount within time as mentioned in clause (I) supra, the interim order granted as per clause (2) supra shall stand vacated automatically without any further reference to this court.

4. That the notice of this Arb.O.P.(Comm.Div.) No.121 of 2021 and A.No.2993 of 2021 returnable by 29.10.2021 be served on the respondent herein.

5. That the Arb.O.P.(Comm.Div.)No. 121 of 2021 and A.No.2993 of

2021 be posted on 29.10.2021.

WITNESS THE HON'BLE MR.JUSTICE SANJIB
BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 30th DAY OF SEPTEMBER 2021.

Sd/-
ASSISTANT REGISTRAR(Comm.Cases)
//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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26.10.2021

Arb.O.P.(Comm.Div.)No.121 of 2021
and
A.No.2993 of 2021

ORDER:-

DATED : 30.09.2021

THE HON'BLE MR.JUSTICE

N.SATHISH KUMAR

FOR APPROVAL: 27.10.2021

APPROVED ON : 27.10.2021

Copy to:-

1. The Registrar General,
High Court, Madras.
2. Accounts Section.

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THURSDAY, THE 30TH DAY OF SEPTEMBER 2021

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A.No.2993 of 2021

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(b) Cost of the Original Petition.

A.No.2993 of 2021:-

Application praying that this Hon'ble Court be pleased to stay all the proceedings in respect of the arbitral award passed by the Learned Sole Arbitrator in Arbitration Case No.286 of 2019 dated 29.04.2021 till the disposal of the main original petition.

This Arbitration Original Petition alongwith the Application coming on this day before this court for hearing **the court made the following order:-**

There shall be an order of interim stay of the award, dated 29/4/2021, passed in Arbitration Case No.285 of 2019, subject to the payment of 50%

of the award amount, by the petitioners, before this Court, on or before 29/10/2021. Failing which, interim order granted by this Court shall stand vacated automatically, without any further reference to this Court. Notice.

2. Post on 29/10/2021.

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

30.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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