

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.4205 of 2014
and M.P.No.1 of 2014

1. The Manager,
Mahindra & Mahindra Financial
Services Ltd.,
No.15, Arcot Road,
T.Nagar, Chennai - 600 017.

2. The Manager,
Mahindra and Mahindra
Financial Services Ltd.,
2nd Floor, Sadhana House,
Behind Mahindra Towers,
No.570, PE Marg,
Worli, Maharashtra,
Mumbai - 400 018.

... Petitioners

Vs.

Mr.S.Chelladurai

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.09.2014 passed in I.A.No.7284 of 2014 in O.S.No.962 of 2014 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioners : Mr.Ashokapathy
For M/s. Pass Asso.

For Respondent : No appearance

ORDER

This Civil Revision Petition is arising out of the fair and decreetal order dated 04.09.2014 passed by the learned XVIII Assistant City Civil Court, Chennai, in I.A.No.7284 of 2014 in O.S.No.962 of 2014, thereby dismissing the petition filed by the petitioner to refer the parties in the suit to arbitration in accordance with the Arbitration Agreement dated 08.03.2005 entered between them.

2. The petitioners are the defendants in the suit filed by the respondent herein. The respondent filed suit with the following prayers as against the petitioners:-

i) *Granting an order of permanent injunction restraining the defendants and their men and agent from in any manner interfering with the plaintiffs peaceful livelihood under guise of collection money except due process of law.*

*ii) Granting an order of mandatory
injunction directing the defendant to furnish the
entire statement of account for the loan agreement
No.B86721*

While pending the suit, the petitioners filed a petition to refer the parties before the arbitration as per the agreement dated 08.03.2005 and the said petition was dismissed by the trial Court. Aggrieved by the same, the present Civil Revision Petition.

3. The learned counsel appearing for the petitioners would submit that while pending the Civil Revision Petition, in respect of the claim against the respondent, the petitioners already filed claim petition before the Arbitrator and also obtained award in respect of their claim. Therefore, nothing survive in the suit itself, since in respect of the claim, the Arbitrator passed an award and nothing survive in the present civil revision petition.

4. Recording the said submission, this Civil Revision Petition is

closed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To

1. The XVIII Assistant Judge,
City Civil Court,
Chennai.

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

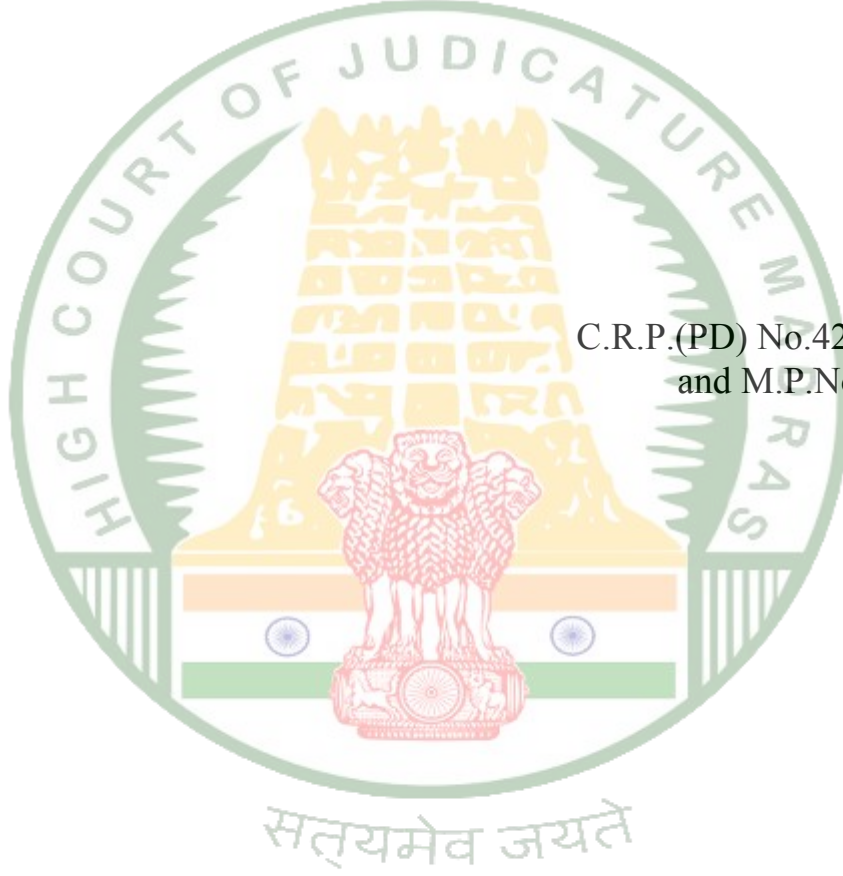


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G.K.ILANTHIRAIYAN, J.

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