

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.No.639 of 2019

1. Mrs.Rajalakshmi
2. Mr.N.Murugavel ... Petitioners

vs.

M/s.Sriram Transport Finance Company Ltd.,
Rep. By its Authorised Signatory
Mookambika Complex, 3rd Floor
No.4, Lady Desika Road, Mylapore
Chennai – 600 004 ... Respondent

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award passed by the sole Arbitrator herein in Case No.ARB.NO.575 of 2018 dated 30.03.2019 and pass such further or other orders as this Hon'ble Court may deem fit and proper under the circumstances of the case and thus render justice.

For Petitioners : Ms.S.N.Soundravalli
of M/s.Nathan and Associates

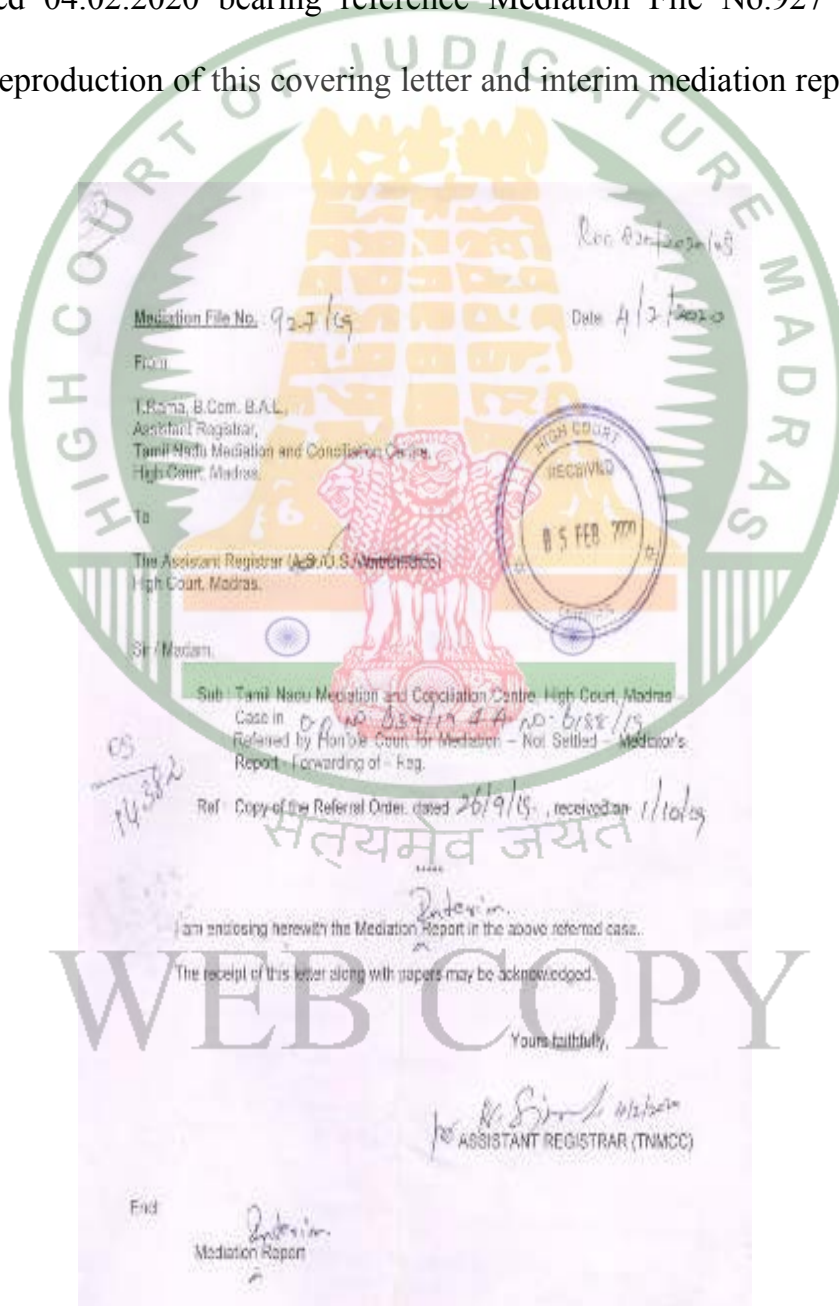
For Respondent : Mr.D.Venkatesan

ORDER

Ms.S.N.Soundravalli of M/s.Nathan Associates (Law Firm) being counsel on record for two petitioners and Mr.D.Venkatesan, learned counsel on record for lone respondent are before me. A perusal of the case file reveals that

captioned OP has been referred to 'Tamil Nadu Mediation and Conciliation Centre under the aegis of this Court' ('TNMCC' for the sake of brevity) by Hon'ble predecessor judge.

2. TNMCC has since sent a interim report to this Court under cover of a letter dated 04.02.2020 bearing reference Mediation File No.927 of 2019. Scanned reproduction of this covering letter and interim mediation report are as follows:



TAMIL NADU MEDIATION AND CONCILIATION CENTER (TAMIL NADU)
HIGH COURT, MADRAS

MEDIATION INTERIM REPORT
(TO BE SUBMITTED BY THE MEDIATOR BEFORE (COPY OF 62/2019))

Mediation File No. : 927/2019

Court Case No. : S.P.No. 639/19 & A.No. 618/19

Reported By : Hon'ble Mr. Justice P. Ramaswami

Date of Report : 26-9-19

Name of the Mediator : Mr. K. K. K. K. K.

Directed for first appearance of the parties before the Mediator : 10-10-19. But the parties did not appear.

Date of Entry of first writ of 50 days : 12-10-19

Dates of Effective Mediation Sessions : 6-11-19, 15-11-19, 26-11-19, 27-11-19, 19-12-19, 6-1-20, 13-1-20.

Name of the Petitioner(s) : Sri. Lakshmi & another

Name of the Respondent(s) : Sri. Ramesh & another

Name of the Mediator(s) : Mr. K. K. K. K. K.

Directed for Recommendation(s) : None

Time limit of 90 days for completion of mediation expires on 11-1-20.

As per 7, efforts are being made to settle the parties and settlement talks are going on. Settling the matter.

Both parties were further time for settlement. At their request, time extended by another 30 days for completion of mediation.

Both parties are informed that in spite of the above said time limit, i.e., mediation would stand terminated, as per Rules.

Specific Remarks, if any : On 27-11-19, the parties have entered into an agreement. The petitioner has paid Rs. 1,00,000 to the respondent and the respondent has promised to pay the balance Rs. 90,000 by 17-12-2019. The petitioner has agreed that the matter be settled by the mediator.

Signature of the Mediator
K. K. K. K. K.

3. Adverting to the above report from TNMCC, Mr.D.Venkatesan, learned counsel for lone respondent submits, on instructions, that the entire lis has been settled and learned counsel confirms that the petitioners have made entire payment in accordance with the agreement that has been entered into. In other words, learned counsel for lone respondent confirms that the lis between the parties has been settled. This submission is recorded.

4. In the light of the aforementioned narrative, nothing survives in captioned OP.

5. Be that as it may, adverting to Section 69-A of 'The Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamilnadu Act XIV of 1955) {hereinafter 'Tamil Nadu Court Fees Act' for brevity and convenience} learned counsel seeks refund of full court fee by saying that matter has been referred and settled by resorting to mediation, which is one of the modes of settlement adumbrated in Section 89 of 'The Code of Civil Procedure, 1908 (Central Act V of 1908)' (hereinafter 'CPC' for the sake of convenience). In the light of Section 89 of CPC, Section 69-A of Tamil Nadu Court Fees Act, the mediation report and the stated position submitted, on instructions, by learned counsel on record for lone respondent, petitioners' counsel's request for refund of Court fees is acceded to.

6. Registry to treat this order as a directive to refund full Court fees to

the petitioners subject of course to petitioners complying with all procedural requirements and subject to standard deductions, if any. Refund of full Court fee shall be done by way of an instrument drawn in favour of first petitioner (Rajalakshmi) as requested by learned counsel for petitioners.

Original Petition disposed of as closed recording the aforesaid narrative.

There shall be no order as to costs.

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Speaking order: Yes/No
Index: Yes/No
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