



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 03RD DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

O.P. No.798 of 2019

and

A.No. 7584 of 2019

In the matter of Arbitration and Conciliation
Act, 1996

AND

In the matter of Arbitral Award A.F. No.
226/2017 dated 29.07.2019 between Mrs.
S.Dhivya and M/s. BT & Co.,

Mrs. S.Dhivya,
Chartered Accountant,
No.18/31, Loganathan Colony,
Mylapore, Chennai 600 004.

... Petitioner

-Versus-

1. M/s. BT & Co.,
Chartered Accountants,
No.74/47, 1st Floor,
Meer Bakshid Ali Street,
Royapettah, Chennai - 14
2. Mrs. S.Thamilvani,
Chartered Accountant
No.74/47, 1st Floor,
Meer Bakshid Ali Street,
Royapettah, Chennai-14
3. Mrs. Bharti Kothari,
No.45, Thambusamy Street,



WEB COPY

Third Floor, Millers Road,
Kilpauk, Chennai-600 010

... Respondent

O.P. No.579 of 2019

Original Petition praying that this Hon'ble Court be pleased to set aside the award dated 29.07.2019 passed by the Hon'ble Arbitrators at Chennai in A.F.No.226/2017

A. No.7584 of 2019

Application praying that this Hon'ble Court be pleased to stay all further proceeding in pursuant to the Arbitral Award passed by the Hon'ble Arbitrators at Chennai in A.F.No: 226/2017 dated 29.07.2019 pending disposal of the above O.P.

This Original Petition alongwith the application coming on this day before this court for hearing through video conferencing in the presence of Mr.J. Nandagopal, Advocate for the Petitioner in O.P.No. 798 of 2019 and for the applicant in A.No. 7584 of 2019 and Mr. E. OM Prakah, Senior Counsel for Ms.T. Ramadevi, Advocate for the 2nd respondent in O.P.No. 798 of 2019 and A.No. 7584 of 2019 and the respondents 1 & 3 herein, not appearing in person or by advocate and upon reading the petition and the award dated 29.07.2019 filed in O.P.No. 798 of 2019 and the report of the

Mediator, Mr.M.K. Kabir, learned Senior Counsel, and it is stated that the



matter has been amicably sorted out and settled among the parties and both sides submitting that the entire dispute has settled amicably and the court places on record an appreciation of the services rendered by Mr. M. K. Kabir, in resolving the entire dispute among the parties, without receiving any fees, **it is ordered as follows:**

That the award dated 29/07/2019 passed by the Learned Arbitrator, be and is hereby set aside.

2) That the O.P. No. 798 of 2019, do stand closed.

3) That the A.No. 7584 of 2019, do stand closed.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE
03RD DAY OF AUGUST 2021.

Sd/-
ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



NS

01.09.2021

WEB COPY

4

O.P. No.798 of 2019

and

A.No. 7584 of 2019

DECREE

DATED 03/08/2021

THE HON'BLE MR. JUSTICE

N. SATHISH KUMAR

FOR APPROVAL: 07/09/2021

APPROVED ON:09/09/2021



WEB COPY

5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/8/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.P.No.798 of 2019

a n d

A.No.7584 of 2019

S.Dhivya
Petitioner

...

Vs

1. M/s.BY & CO
Chartered Accountant
No.74/47, I Floor
Meer Bakshid Ali Street
Royapettah
Chennai 500 014.

2. S. Thamilmvani
Chartered Accountant
No.74/47, I Floor
Meer Bakshid Ali Street
Royapettah
Chennai 500 014.

3. Bharti Kothari.
Respondents

...

Original Petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to set aside the award dated 29/7/2019 passed under Section 34 of the Arbitration & Conciliation Act, 1996.



6

For petitioner

...

Mr.J.

Nandagopal

For respondents

...

No appearance
for

R.R.1 and 3.

Mr.E.

Om Prakash

Senior Counsel

for

Mr.T.Ramadevi

for

R.2.

- - - - -

ORDER

This Original Petition has been filed to set aside the Award, dated 29/7/2019.

2. Heard Mr.J.Nandagopal, learned counsel for the petitioner and Mr.E.Om Prakash, learned Senior Counsel for Ms.T.Ramadevi, learned counsel for the second respondent.

3. As the dispute arose between the parties, who are the Chartered Accountants with regard to the dissolution the firm, vide, order, dated 7/7/2021, this Court had appointed Mr.M.K.Kabir as a Mediator, to mediate the dispute between the parties.



4. Today, when the matter was taken up for hearing, through Video Conferencing, in the report of Mr.M.K.Kabir, learned Senior Counsel, it is stated that the matter has been amicably sorted out and settled among the parties.

5. As per mediation, the petitioner and third respondent shall retire from the partnership firm M/s.BT & CO and second respondent shall continue as a partner, after paying the necessary amount, as agreed in the report.

6. Both sides submitted that the entire dispute has settled amicably.

7. In such a view of the matter, Award passed by the learned Arbitrator is set aside, on the ground that the matter has been settled between the parties.

8. Accordingly, this Original Petition is closed. Consequently, A.No.7584 of 2019 is closed.



9. Report of Mr.M.K.Kabir, learned Senior Counsel is taken on record.

10. This Court places on record an appreciation of the services rendered by Mr.M.K.Kabir, in resolving the entire dispute among the parties, without receiving any fees.

Sd/- N.S.K.J.
03/08/2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.