



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMA(MD) . No.1440 of 2013

1.S.Deepika
2.K.R.Sasidharan

... Appellants/Petitioners

Vs

1 M/s.Arasan Vinayan Systems
Through its Managing Director,
Having Registered Office at Avt Mill Premises,
Bye Pass Road,
Chinnamani Nagar-II
Tuticorin

2 P.Samy Ayya
Sole Arbitrator Appointed by the
All India Chamber of Commerce and Industries
No.84/2,South Raja Street,
Tuticorin

... Respondents/Respondents

Prayer :-

Civil Miscellaneous Appeal filed under section 37,1 and 2 of Arbitration Act X of 1940 against the fair and decretal order dated 30.10.2012 passed in Arbitration O.P.No.304 of 2010 on the file of the file of the Principal District judge, Thoothukudi confirming the award dated 30.04.2010 passed by the second respondent in Arbitration No.5 of 2009.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.M.Saravanan, Advocate for the Petitioner and of Thiru.T.Antony Arul Raj, for the first respondent, this Court made the following order:

This Court, by order dated 13.08.2021, has allowed the Civil Miscellaneous Appeal and directed the first respondent to produce all the Original Educational Certificates of the first appellant / S.Deepika and the matter was listed "for reporting compliance"

2. Today (ie.06.10.2021), when the matter was taken up for <https://hccs.cerpts.gov.in/hccs/record> of producing the Educational Certificates of the first appellant, the first respondent filed a typed set along with a copy of the reply to the memo, dated 13.03.2010 filed on behalf of



the appellant in Arbitration O.P.No.6 of 2009.

3. On the side of the first respondent, it is stated that no such Educational Certificates were deposited. In the memo, it is stated as follows:-

"1.The documents referred in SI.No.1 to 4 have no relevance to the dispute caused by failure of the 1st respondent in observing clause (1) of the Intellectual Property agreement, dated 14.08.2008.

2. The 1st Respondent had not deposited any of her original certificates with the Petitioner.

The memo has been filed by the I & II Respondents as dilatory tactics.

The Hon'ble Arbitrator be pleased to award as prayed for in the Petition."

4. On the side of the first respondent, it is stated that no Educational Certificates were deposited by the appellants and no such Educational Certificates are available with the first respondent.

5. The respondents have not complied the directions of this Court. Hence, liberty is given to the appellants to proceed against the respondents for recovery of the Educational Certificates and to take any other suitable proceedings as per law.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Principal District Judge, Thoothukudi

+1cc to R.Subramanian, Advocate Sr.No. 31412 dated 06.10.2021

ORDER DATED : 06/10/2021

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ORDER

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Giving direction and etc.
as stated within.