



Appln.No.4848 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2022

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

Appln.No.4848 of 2022 in
OP.No.579 of 2019

Magesh Kumar .S.

... Applicant

Vs.

M/s Cholamandalam Investment and Finance
Company Limited,
Rep.by its authorized Signatory
No.45, Justice Basheer Ahmed Sayeed Building,
II Floor, 2nd Line Bech, Moore Street,
Parrys, Chennai 600 001.

... Respondent

Prayer: Application filed under Order XIV Rule 8 of O.S.Rules r/w Section 151 of CPC to direct the registry to pay the sum of Rs.3,00,000/- (Rupees three lakhs) standing to the credit of O.P.No.579 of 2019 to the applicant/petitioner counsel on record namely V.Muthu Raju.

For Applicant : Mr.Vinu Pradha

For Respondent : Mr.D.Pradeep Kumar



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ORDER

This application has been filed to direct the registry to pay the sum of Rs.3,00,000/- (Rupees three lakhs) standing to the credit of O.P.No.579 of 2019 to the applicant/petitioner counsel on record namely V.Muthu Raju.

2. The Original Petition in O.P.No.579 of 2019 was filed by this applicant/petitioner along with one Mr.S.Sethuraman to set aside the award of the Arbitrator in CTM No.1132 of 2010 dated 03.01.2018. After hearing both the parties, this Court, vide order dated 02.07.2021, has passed the final order by setting aside the Award passed by the Arbitrator dated 03.01.2018.

3. While admitting the O.P.No.579 of 2019, this Court has granted stay of the Arbitration proceedings, vide order dated in Application No.5268 of 2019, by directing the petitioners to deposit a sum of Rs.3,00,000/- (Rupees three lakhs) before this Court, till the disposal of the original petition. To comply the above order, the petitioners also deposited the said amount. This Court, while disposing the O.P.No.579/2019, has



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directed the Registry to refund the deposited amount of Rs.3,00,000/- to the applicants.

4. In such circumstances, the second petitioner viz. Mr.Sethuram,S/o Sadagopan, father of the first petitioner passed away on 31.12.2021, leaving behind his wife and sons namely S.Rajeswari and S.Sivashankar, S.Sundar, S.Magesh Kumar.

5. The learned counsel for the applicant/1st petitioner submitted that since the one of the petitioners namely Sethuram (father of the applicant) died, he is not in a position to get the amount, as ordered by this Court and hence, the Registry may be directed to pay the deposited amount of Rs.3,00,000/- to the counsel of the applicant, namely Mr.V.Muthu Raju.

6. The learned counsel for the respondent has no objection to refund the deposited amount of Rs.3,00,000/- to Mr.V.Muthu Raju, who is the counsel on record for the applicant.

7. Further, the other legal heirs of the deceased petitioner viz.,



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S.Rarjeswari, S.Sivashankar and S.Sundar have also filed affidavit giving consent to pay the amount to the counsel Mr.V.Muthu Raja.

8. Inview of the above facts and circumstances and also taking into account the fact that one of the petitioners namely S.Sethuram died and his legal heirs have also given consent to pay the deposited amount of Rs.3,00,000/- to Mr.V.Muthu Raju, counsel on record for the applicant, this Court is satisfied with the reason assigned in the affidavit and is inclined to allow the application.

9. Accordingly, this Application is allowed. No costs.

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Index: yes/no
Internet: Yes/no
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KRISHNAN RAMASAMY, J.,

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