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Arb.O.P.(Com.Div.)No.230 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.07.2022

CORAM

THE HONOURABLE Mr.JUSTICE **M.SUNDAR**

Arb.O.P.(Com.Div.)No.230 of 2022

M/s.Daimler Financial Services India Private Limited
5th Floor, Plot 8, Baashyam Willow Square 9 & 10
First Street, Thiru Vi Ka Industrial Estate
Guindy, Chennai-600 032
Represented by its Authorised Signatory

... Petitioner

vs.

1. Nirmala Shinde
101, Sangrilla Apartment
L T Road, Borivali West
Above Om Jewellers, Mumbai
Maharashtra - 400 092.
2. Nirmala Enterprises
Rep. by its Partner
36 and 37, Sangrilla Apartment
Chandavarkar Road
Borivali West, Mumbai
Maharashtra - 400 092.
3. Hitesh Shinde
101, Sangrilla Apartment
L T Road, Borivalli West
Above Om Jewellers, Mumbai
Maharashtra - 400 092.

... Respondents



Arb.O.P.(Com.Div.)No.230 of 2022

Prayer :

Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 praying

(a) to appoint a sole Arbitrator to adjudicate the dispute between the petitioner and the respondents as per the Loan Agreement dated 30.12.2017 bearing Contract No.10129289;

(b) to direct the respondents to pay the cost of this petition;

For Petitioner : Mr.D.Pradeep Kumar

ORDER

Matter mentioned at half past.

2. Mr.D.Pradeep Kumar, learned counsel submits that post presentation of captioned 'Arbitration Original Petition' [hereinafter 'Arb OP' for the sake of convenience and clarity], loan account of petitioner with respondents has been regularized and therefore, he has instructions to withdraw the captioned Arb OP. However, learned counsel requests that rights of the petitioner Company may please be preserved for coming up with a prayer for appointment of an Arbitrator in future if the need arises as loan agreement is being operated. Request acceded to.



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3. Learned counsel has made an endorsement in the case file and a scanned reproduction of the case file is as follows:

The loan account has been regularised by the respondent. Hence Arb.O.P.(CD) No. 230 of 2022 may be permitted to be withdrawn with liberty to the Petitioner to file fresh O.P. if default arises in future.
D. Pradeep
11/7/22
Counsel for Petitioner

4. Captioned Arb OP disposed of as withdrawn/closed albeit preserving the rights of the petitioner in the aforesaid manner. There shall be no order as to costs.

11.07.2022

Speaking/Non-speaking order
Index : Yes / No

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M.SUNDAR. J.,

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