



C.R.P. No.1656 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.1656 of 2019

R.Dhanasekaran,
S/o. Ramasamy

... Petitioner

Versus

1. M/s.Shriram City Union Finance Ltd.,
rep. by its Authorised Signatory
2. M/s. Shriram City Union Finance Ltd.,
The Branch Manager,
Kuttalam Branch, Main Road,
Kuttalam, Nagapattinam Dt.
3. M/s.Shriram City Union Finance Ltd.,
Recovery office,
Pudukkottai main road, Kallukuzhi,
Thiruchirappalli,
rep. by its Authorised Signatory
4. D.Velmurugan,
S/o. Dhanasekaran
5. V.Sowmiya,
W/o. D. Velmurugan



C.R.P. No.1656 of 2019

6. D. Kalaiselvi,
S/o. Dhanasekaran

7. Mr.K.M.Subramaniyan,
Advocate/Sole Arbitrator,
No.30/6, Elancheran Nagar,
Nagapattinam.

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order made in UF.Ar.O.P. No.....of 2019 dated 15.03.2019 passed by learned District Judge, Nagapattinam to take the petition filed against the award made in TF.A.C.P. No. 74 of 2014 dated 12.01.2015 passed by Sole Arbitrator on file and dispose of the same in accordance with law.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.A.Swaminathan for R2

R1 – Vacated

R3 to R7 – No appearance

ORDER

The Revision Petitioner preferred Ar.O.P. before the District Judge, Nagapattinam praying to set aside the arbitration award passed by the



C.R.P. No.1656 of 2019

Arbitrator in Arbitration Proceedings in TF.A.C.P. No. 74 of 2014. In fact, according to him, the loan was originally borrowed by son of petitioner and the property was mortgaged by creating a simple mortgage deed, his wife obtained loan. As dispute arose between the petitioner and his son along with his family members, they have not paid amount borrowed from the 2nd respondent, thereby an award was passed by the arbitrator.

2. Challenging the said award, the Revision Petitioner filed UF Ar.O.P. before the District Judge, Nagapattinam. In the meanwhile, to execute the award, the Execution Petition was filed. However, against the rejection of application filed by the petitioner, he preferred this Civil Revision Petition. During the pendency of this C.R.P., the borrower of the loan settled the amount to the 2nd respondent.

3. Today, when the matter taken up for hearing, both learned counsel for petitioner and 2nd respondent appeared and admitted that the matter has been settled between the parties out of court and the revision petitioner is entitled for refund of court fee as his matter was not taken on file.



C.R.P. No.1656 of 2019

WEB COPY

4. Considering the submissions of both learned counsel for revision petitioner and 2nd respondent, this Court is inclined to dispose this Civil Revision Petition as the matter is settled out of court. However, the revision petitioner is entitled for refund of court fee paid by him before the District Judge, Nagapattinam. Accordingly, this Civil Revision Petition is disposed of and the learned District Judge, Nagapattinam is directed to refund the court fee within a period of eight weeks from the date of receipt of copy of this order. No costs.

28.11.2022

Index: Yes/No
Internet: Yes/No
rpp

To

District Judge,
Nagapattinam.



WEB COPY



C.R.P. No.1656 of 2019

T.V.THAMILSELVI, J.

rpp

C.R.P. No.1656 of 2019

28.11.2022