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O.P.No.378 of 2020 &
O.A.No.161 of 2020 &
A.Nos.1122 to 1124 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

O.P.No.378 of 2020

&

O.A.No.161 of 2020

&

A.Nos.1122 to 1124 of 2020

Tata Capital Financial Services Limited
Represented herein by its Authorised Representative
1st Floor, Centennial Square, 6A, Dr.Ambedkar Salai
Kodambakkam, Chennai - 600 024
having its registered office at
Tower A, 1101 Peninsula Business Park
Ganpatrao Kadam Marg, Lower Parel
Mumbai - 400 013

... Petitioner in
O.P.No.378 of 2020
/Applicant in
O.A.No.161 of 2020 &
A.Nos.1122 to 1124 of 2020

Vs.

1. Ashish Krishnaswamy
2. Deepa Krishnaswamy
3. AFP Lakeside Homes LLP
No.19, 33 'A' Cross, 11th Main, Jayanagar



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4th T Block, Bangalore - 560 041

... Respondents in
O.P.No.378 of 2020
/Respondents in
O.A.No.161 of 2020 &
A.Nos.1122 to 1124 of 2020

Prayer in O.P.No.378 of 2020: Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint a sole Arbitrator to hear and decide the dispute amongst the parties arising out of the Letter of Guarantee dated 22.05.2018.

Prayer in O.A.No.161 of 2020: Original application filed under Section Order XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to pass an order of injunction restraining the respondents themselves or through their servants, assigns, agents, representatives, officers, trustees, beneficiaries, administrator/s or any other person claiming through or under them or under any instrument whatsoever from in any manner selling, alienating, transferring, parting with the possession of, dealing with, disposing of, inducting anyone into or developing or creating any third party right or interest of whatsoever nature and in any manner whatsoever in respect of the properties owned by the respondent.

Prayer in A.No.1122 of 2020: Application filed under Section Order XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to direct the respondents to forthwith file an affidavit disclosing the details of all the movable and immovable properties belonging to them with the details of the encumbrance if any as on the date of filing of the application, including the Books of Accounts/Last 3 years Balance Sheet, Bank accounts statement/fixed deposits maintained by them and balance available therein as on the date of filing of this application.

Prayer in A.No.1123 of 2020: Application filed under Section Order XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and



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Conciliation Act, 1996 to direct the respondents to jointly and severally furnish security to the tune of Rs.3,48,99,339.36 (Rupees Three Crores Forty Eight Lakhs Ninety Nine Thousand Three Hundred and Thirty Nine Thirty Six Paise only) as on 10.01.2020 along with further interest, additional interest and cost, charges and expenses till payment and or realisation thereof.

Prayer in A.No.1124 of 2020: Application filed under Section Order XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to direct the 4th respondent to deposit the balance amounts realised out of sale of the property situated at 7th Cross Road, 1st Block Jayanagar, Bangalore more fully described in the Judge's summons after due realisation of their loan pending disposal of the arbitration proceedings.

For Petitioner	: Mr.J.R.Jayant
For Respondents	: Mr.Karthik Seshadri of M/s.Iyer and Thomas (Law Firm)

ORDER

In the captioned matters Mr.J.R.Jayant, learned counsel on record for applicant in the captioned applications and petitioner in the captioned Arb.OP is before this Court. Mr.Karthik Seshadri, learned counsel of M/s.Iyer and Thomas (Law Firm), learned counsel on the other side is before this Court.

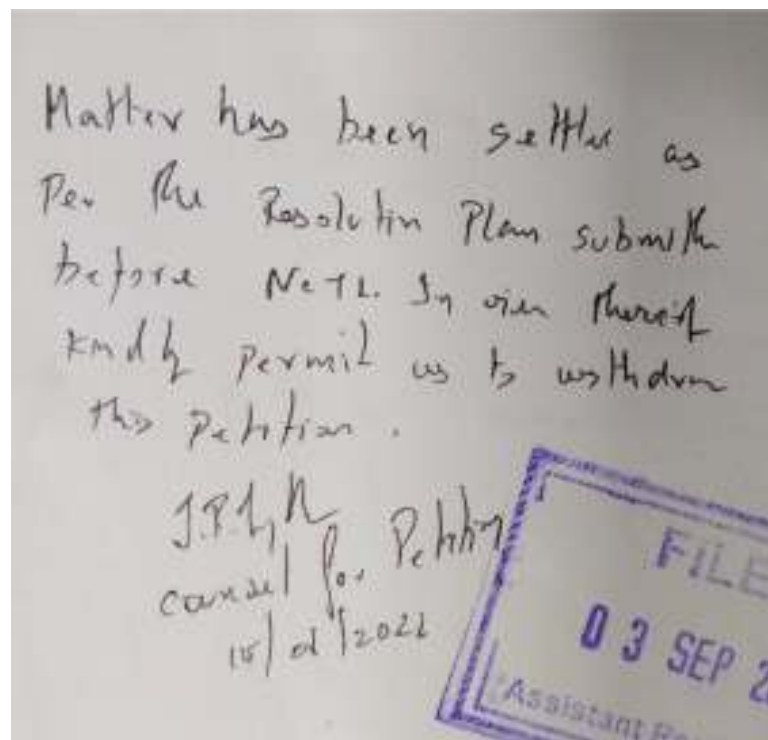


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2. Both learned counsel submit without any dispute or disagreement in one voice that the matter has been settled as between the parties. Mr.J.R.Jayant, who is for the applicant in all the four applications and petitioner in the Arb.OP, made endorsement in the case files, which read as follows:





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Matter has been settled
as per resolution Plan filed
before NCLT and therefore
kindly permit us to
withdraw this Application
J.R.1, M
Counsel for Applicant
15/6/2022

3. Learned counsel reiterates the aforesaid endorsement in the hearing.

4. In the light of the narrative thus far, captioned four applications and one Arb.OP are disposed of as closed/withdrawn having been settled



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out of Court. There shall be no order as to costs. Though obvious it is made clear that interim orders, if any, in the captioned matters will also stand closed.

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M.SUNDAR.J.,

gpa/nsa

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