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Arb O.P.(Com. Div.)No.271 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2022

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

Arb O.P.(Com. Div.)No.271 of 2022

Mr.Biju John
S/o.Mr.John Rose
residing at No.5/55, Santhi Nikethan
Ottapilavilai, Puthukadai Post
Kanyakumari District - 629 171
and
Partner of M/s.Parambariyam
Southern Dining Restaurant
No.36, "THASOR PENIAL", I Floor
Cape Road, Vepamoodu Junction
Nagercoil, Kanyakumari District - 629 001.

... Petitioner

vs.

Mr.D.Vineent Rai
S/o.Devasahayam
No.8/89C, Paduvloor, Palapallam Post
Kanyakumari District - 629 159
and
Partner of M/s.Parambariyam
Southern Dining Restaurant
No.36, "THASOR PENIAL", I Floor
Cape Road, Vepamoodu Junction
Nagercoil, Kanyakumari District - 629 001.

... Respondent



Arb O.P.(Com. Div.)No.271 of 2022

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Prayer:

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

(a) Appoint an Arbitrator to adjudicate the disputes between the petitioner and respondent in terms of the arbitration agreement dated 07.06.2019;

(b) Direct the respondent to pay the costs;

For petitioner : Mr.A.M.Natraj

ORDER

Mr.A.M.Natraj, learned counsel on record very fairly points out that a typographical error has inadvertently crept into the captioned 'Arbitration Original Petition' [hereinafter 'Arb OP' for the sake of convenience and clarity] i.e., name of respondent being misspelt. Learned counsel requests for leave of this Court to withdraw the captioned Arb OP and makes a plea to preserve all the rights of petitioner to come up with a same/similar prayer qua same cause of action.



Arb O.P.(Com. Div.)No.271 of 2022

WEB COPY

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

permit to withdraw
counsel for petition
[Signature]
23/06/2022

3. In the light of the narrative thus far, the aforementioned request is acceded to.

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 Captioned Arb OP is disposed of as withdrawn/closed albeit preserving all the rights of the petitioner in the aforesaid manner.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

28.06.2022

Speaking/Non-speaking order
Index : Yes / No
mk

M.SUNDAR. J.,



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Arb O.P.(Com. Div.)No.271 of 2022

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Arb O.P.(Com. Div.)No.271 of 2022

28.06.2022