



A.No.4047 of 2022

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in
O.P.No.254 of 2020

SENTHILKUMAR RAMAMOORTHY, J.

This application is filed seeking refund of the sum of Rs.10,18,678/-, which was deposited in a fixed deposit account by the applicant/petitioner as a condition precedent for the institution of O.P.No.254 of 2020. By order dated 15.10.2020, the award impugned in the O.P. was set aside. The present application is consequential to it. As is evident from the order in the O.P., the respondents remained *ex-parte*. In this application, notice was issued to the respondents on 14.09.2022. The said notice was returned unserved with the endorsement “left”. The applicant states that this is the only available address and had been used for communication with the respondents previously. By order dated 14.09.2022, the applicant was also permitted to serve notice through e-mail to the 1st respondent. The said e-mail was sent. Learned counsel submits that this is the e-mail address on which parties communicated regularly.



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2.While taking into account the fact that the 1st respondent failed to appear in the O.P and has not provided any new address, the matter is proceeded with in the absence of the 1st respondent.

3.The applicant seeks refund of the amount deposited as a precondition for the institution of the Section 34 petition, in view of the requirements of the Micro Small and Medium Enterprises Development Act, 2006. Since the petitioner succeeded in the O.P., the petitioner is entitled to refund of the said sum.

4.Accordingly, this application is allowed and the Registry is directed to refund the sum of Rs.10,18,678/-, which was deposited in F.D. Account No.38976928823, SBI Porur Branch, in favour of the Registrar General of this Court. The Registry shall take necessary steps to encash the said fixed deposit and pay the proceeds thereof, along with interest accruals thereon, to the applicant.

12.10.2022

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