



Sub Application No. 381 of 2022
in
Cont.P.Nos. 891 to 893 of 2017

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in

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S. VAIDYANATHAN,J.

AND

M. SUNDAR,J.

Captioned application has been filed in this Court on 28.07.2022 in aforementioned three contempt petitions, which were disposed of by a common order dated 24.08.2021 recording a memorandum of settlement dated 09.02.2020 between the parties.

2. In the light of the trajectory the matter has taken, it may not be necessary to dilate on facts in detail. Short facts would suffice.

3. The genesis of the matter pertains to three intra-court appeals viz., O.S.A. Nos. 12 to 14 of 2017 arising out of applications under Section



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9 of 'The Arbitration and Conciliation Act, 1996' (hereinafter 'A & C Act' for brevity, convenience and clarity). These original side appeals came to be disposed of by order dated 06.02.2017 and the aforementioned three contempt petitions arise out of this order dated 06.02.2017. In the course of hearing the contempt petitions, a Division Bench (to which one of us {M.Sundar,J.} was a party) made an order dated 21.09.2017 interalia directing Assistant Registrar -II on the Original Side of this Court to test the security furnished by the applicant before us. To be noted, security is by way of immovable property and the title deed is sale deed dated 26.09.2016 registered as document No.4999 of 2016 in Book I on the file of SRO (Sub Registrar's Office) Padappai, Sriperumbudur Taluk, Kanchipuram District (hereinafter, 'said sale deed' for the sake of brevity, convenience and clarity).

4. In the hearing today, Mr.R. Parthasarathy, learned counsel for applicant along with Ms.S. Rekha and Ms. S.P. Sri Harini, learned counsel on record for the sole respondent are before us.



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5. This Court is informed that post aforementioned order dated 21.09.2017 directing the security to be tested, parties have settled the lis amongst themselves and we are informed that security is not required anymore. This position articulated by learned counsel for the applicant is not disputed by learned counsel for the respondent. Learned counsel for the respondent draws our attention to an endorsement dated 04.08.2022 made at the time of service of captioned application on the respondent and a scanned reproduction of the same is as follows:



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28 JUL 2022
ORIGINAL SIDE, MADRAS
SECTION
PETITION UNDER SECTION 151
OF C.P.C
80935
May be filed
6/8/22 - No objection
for Adv. Aditya
Reddy,
Counsel for
Respondent
Contempt
Petitioner
M/s. R.PARTHASARATHY MS1A/1995
RAHUL BALAJI, 670/1995
MADHAN BABU, 1450/02
VISHNU MOHAN, 2572/2012
RANGASARAN MOHAN 4026/2019
No.2, Lawyers Chamber, High Court Building,
Chennai - 600 104.
Ph: 7299899436
COUNSEL FOR APPLICANT/
RESPONDENT IN ALL THREE CONTEMPT
PETITIONS

Learned counsel for the respondent reiterates the endorsement made and submits that aforementioned no objection endorsement effectively means that parties have settled the lis out of Court and security in this Court is not required anymore. This would also mean that if there is any breach of the terms of out of Court settlement, the respondent would have to work out



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its remedies in any other fora and not come up by way of further sub-applications or attempt to resuscitate the aforementioned contempt petitions/captioned sub-application or file any other application. In other words, the order dated 06.02.2017 in the aforementioned O.S.A. Nos. 12 to 14 of 2017 is given a quietus as far as this Court is concerned.

6. In the light of the narrative thus far, we are of the considered view that the applicant's prayer for return of original title deed ie., the said sale deed can be answered in the affirmative ie., acceded to.

7. *As a sequitur, captioned sub-application is ordered as prayed for.* Registry is directed to return the original sale deed dated 26.09.2016 registered viz., document No.4999 of 2016 in Book I on the file of SRO (Sub Registrar's Office), Padappai, Sriperumbudur Taluk, Kanchipuram District,

(a) *under due acknowledgement from the counsel on record for the applicant;*



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nv

(b) retain a certified copy of the said sale deed, which we are informed has already been filed on 02.08.2022 vide SR. No. 21122 of 2022.

8. Learned counsel for the applicant submits that the applicant/applicant's counsel would comply with all the procedural requirements for return of original title deed. In view of this submission, Registry shall complete this exercise as expeditiously as its business would permit and in any event, within a fortnight from today, ie.,by 12.09.2022.

nv

(S.V.N.J.) (M.S.J.)
30.08.2022

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