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C.S.No.354 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Civil Suit No.354 of 2021
and
Application No.3365 of 2022

E.Velu

... Plaintiff

versus

1.Mr.S.Mohankumar
2.Ms.Divya M.Jain
3.Ms.Bhavaika M.Jain
4.Ms.M.Kushbu M.Jain
5.Ms.M.Rekha M.Jain

... Defendants

Prayer: The Civil Suit filed under Order IV Rule 1 of the Madras High Court Original Side Rules and Order VII Rule 1 of CPC., directing the defendants to pay a sum of Rs.4,79,00,000/- together with future interest at the rate of 18% per annum on the principal amount of Rs.4,79,00,000/- from the date of plaint till the date of payment in full and to pass mandatory injunction directing the defendants to return of the original documents referred to in Table 1 to 3 herein and for costs of the suit.

For Plaintiff : Mr.V.Ramesh
For Mr.T.Thiyagarajan
For D1 to D5 : Mr.R.Thiagarajan



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C.V.KARTHIKEYAN,J.

ssi

JUDGMENT

In view of the fact that the issue had now been relegated to be examined by an Arbitrator, keeping the suit any further on the file of this Court may not be required. If the learned Arbitrator returns a finding that the issues raised are not arbitrable in nature, then the plaintiff will have every right to institute a fresh suit on the same cause of action. Since no effective progress had been done, taking advantage of Section 69 of the Tamil Nadu Court Fees and Suits Valuation Act, as the matter had been referred to arbitration, the plaintiff is entitled for refund of Court Fees in accordance with the rules.

2. With the above direction, the suit is disposed of. Consequently, the connected applications also closed.

03.11.2022
(2/2)

Index:Yes/No
Speaking Order : Yes/No
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