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Arb. Appln. No.182 of 2022
in
OA. No.591 of 2022

KRISHNAN RAMASAMY, J.

This application has been filed to permit the applicant to amend the prayer in the supporting affidavit and Judges summon and replace the prayer after paragraph no.16 as follows:

> "I therefore pray that this Hon'ble Court may be pleased to issue an order of mandatory injunction directing the 1st respondent herein to renew the Performance Bank Guarantee for a sum of Rs.79,36,000/- and keep the same live, until the disposition of the Arbitral Proceedings, pending the hearing and final disposal of the Arb.OP.(S.R./dairy) No.43111 of 2022 and thereby render justice".

2. The learned counsel for the applicant would submit that the respondent has furnished Performance Security by way of bank guarantee, which was going to expire on 31.07.2022 and the applicant has filed O.A.No.591 of 2022, seeking for mandatory injunction to keep the Bank Guarantee alive pending arbitration proceedings, but

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the said application was returned by the Registry owing to certain defects to be complied with, which later could not be re-presented before the expiry of the Bank Guarantee and in the mean time, it has expired. Therefore, the applicant now moved the present application, seeking to permit the applicant to amend the prayer as sought for.

3.In view of the submission made by the learned counsel for the applicant and also considering the reasons assigned in the affidavit filed in support this application, this application is ordered as prayed for. The applicant is permitted to carry out necessary amendment in the supporting affidavit as well as Judges Summons.

4. List the matter on 21.12.2022.

12.12.2022

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