



WEB COPY



C.S.(COMM DIV) No.134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. (COMM. DIV.) No.134 of 2023

M/s.Itakem Finechem Pvt. Ltd.

(formerly ITAKEM)

Represented by its Managing Director

.. Plaintiff

M/s.ESAAR TANNING COMPANY,

92/A, Gudiyattam Road,

Periyavarigam,

Ambur – 635 811.

... Defendant

Prayer : PLAINT UNDER ORDER IV RULE 1 O.S. RULES, HIGH COURT, MADRAS READ WITH ORDER VII RULE 1 OF THE CIVIL PROCEDURE CODE AND SECTION 2(C) (xviii) OF THE COMMERCIAL COURTS ACT, 2015 praying for the following judgment and decree :-

i) by directing the Defendant to pay to the plaintiff a sum of Rs.1,55,21,722/- together with interest at the rate of 18% per annum on Rs.80,96,282/- from the date of plaint till date of realization;

ii) by directing the Defendant to pay to the plaintiff the costs of the suit.

For Plaintiff

: Mr. V. Manohar



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JUDGMENT

The learned counsel for the plaintiff has made an endorsement in the Court bundle stating that in view of the existence of the arbitration clause in the invoices, the present suit is not maintainable and hence, he seeks for rejection of the plaint and permit the plaintiff to initiate arbitration in accordance with the arbitration clause contained in the contract.

2. After recording the endorsement made by the plaintiff on instructions, the plaint is rejected.

3. Registry is directed to refund the full Court fees to the plaintiff and the plaintiff is also permitted to initiate arbitration in accordance with the arbitration clause contained in the contract(invoices) which is the subject matter of the dispute.

19.10.2023

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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