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Arb.O.P. (Com.Div.) No.297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.297 of 2023

K.K.Kulothungan, (Died)

1.Shymosree Kulothungan

2.Tasha Kulothungan

3.Sharavan Kulothungan

.. Petitioners

(Petitioners 2 & 3 represented by their
next friend / Mother - 1st petitioner)

(Petitioners 1 to 3 are the legal heirs of
the late K.K.Kulothungan)

Vs.

1.P.Surulinarayanasami

2.K.Senthamarai

3.K.Chitra

4.K.Elango

.. Respondents

Prayer: Original Petition is filed under Section 34 (2a)(iii) of the Arbitration and Conciliation Act, 1996, praying to set aside the Award dated 19.10.2020 passed by the Sole Arbitrator vide his proceedings in



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Arbitration Case No.15/2015 allowing the Claim filed by the Respondents against the Petitioners.

For Petitioners : Mr.C.Jagadish
for Mr.S.Senthil

For R1 : Mr.Kubendran
for M/s.Rank Associates

ORDER

This petition has been filed under Section 34 (2a)(iii) of the Arbitration and Conciliation Act, 1996 to set aside the Award dated 19.10.2020 passed by the Sole Arbitrator vide his proceedings in Arbitration Case No.15/2015.

2.The parties have settled their dispute amicably. The petitioners and the respondents 2 to 4 have today handed over two Demand Drafts for a sum of Rs.2,09,00,000/- (Rs.75,00,000/- + Rs.1,34,00,000/-) drawn in favour of the 1st respondent as follows:-

- (i) Demand Draft for a sum of Rs.75,00,000/- drawn on Standard Chartered Bank, Grindlays Garden, Haddows Road, Chennai, dated 27.10.2023 bearing DD No.279939; and



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- (ii) Demand Draft for a sum of Rs.1,34,00,000/- vide Manager Cheque drawn on HDFC Bank dated 27.10.2023 bearing No.025846, both Demand Drafts drawn in favour of the 1st respondent herein.

3.Relevant portion of the Joint Memo of Compromise reads as follows:-

“3.Thus pursuant to the Memorandum of Compromise entered into between the parties, the petitioners and the respondents 2 to 4 have this day paid a sum of Rs.2,09,00,000/- by way of Demand Draft drawn in favour of the first respondent vide Demand Drafts (i) for a sum of Rs.75,00,000/- drawn on Standard Chartered Bank, Grindlays Garden, Haddows Road, Chennai, dated 27.10.2023 bearing DD No.279939 and (ii) for a sum of Rs.1,34,00,000/- vide Manager Cheque drawn on HDFC Bank dated 27.10.2023, bearing No.025846, both drawn in favour of the first respondent herein.”



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4.The dispute between the parties have been settled in terms of Joint Memo of Compromise and in view of handing over of the Demand Drafts. Therefore, the Award dated 19.10.2020 passed by the Sole Arbitrator in his proceedings in Arbitration Case No.15/2015 is set aside.

5.The Original Petition is allowed with the above observations. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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C.SARAVANAN, J.

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