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C.M.A.No.784 of 2023

C.M.A.No.784 of 2023

and

CMP.No.7237 of 2023

N.MALA. J.,

This matter is listed today under the caption "For Being Mentioned" at the instance of the both the learned counsels.

2. It is brought to the notice of this Court that in the Judgment of this Court dated 09.06.2023 in the first page of the Judgment instead of "**under Section 37 of the Arbitration and Conciliation Act, 1996**", it is mentioned as "under Section 173 of Motor Vehicles Act, 1988". It is further submitted that in paragraph numbers 8, 9, 10, 11 and 12, instead of "Arbitration Tribunals", it should be "**direction to be issued to the Courts dealing with Arbitration Cases**".

3. In view of the submissions made by both the learned counsels, the first page and paragraph numbers 8, 9, 10, 11 and 12 are modified as follows:

" Civil Miscellaneous Appeal is filed **under Section 37 of the Arbitration and Conciliation Act, 1996**, to set aside the Order dated 09.12.2022 passed by the Hon'ble District Court, Karaikal in I.A.No.1 of 2022 in Arb.OP.No.36 of 2022.



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8. In view of the submission made by the learned Senior Counsel appearing for the respondent that he had the benefit of interim order till 08.06.2023 and in the interest of justice, this Court is inclined to **issue a direction to the Courts dealing with Arbitration cases** to dispose off I.A.No.1 of 2023 in Arb.OP.No.5 of 2023 on or before 16.07.2023, in accordance with law. The appellant is also directed not to encash the letter of credit, till the disposal of the said I.A.No.1 of 2023.

9. It is brought to the notice of this Court by both the learned counsels that **the Courts dealing with Arbitration cases** are not following the provisions of Clause 3 of the Madras High Court (Arbitration) Rules, 2020, wherein the nomenclature and cause title for the application filed under the Act are given. Different nomenclatures are given for the applications filed under the Act in these Rules for the purpose of procedural convenience.

10. The learned counsel on both sides therefore request this Court to **issue a direction to the Courts dealing with Arbitration cases** to follow the Judicial Notification of The Madras High Court (Arbitration) Rules, 2020 strictly with regard to the nomenclature and cause title with regard to the application filed under the Act, so that confusion may be avoided.

11. In view of the submissions made by the learned counsels on both sides, this Court issues a direction **to the Courts dealing with Arbitration cases** to follow strictly Clause 3 of the Madras High Court (Arbitration) Rules,



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2020 with regard to the nomenclature and cause title for the applications filed under the Act and also strictly apply the nomenclature given in the Rules for the purpose of procedural convenience.

12. Registry is directed to circulate the copy of this order to the **Courts dealing with Arbitration cases** to ensure strict compliance with Clause 3 of the Madras High Court (Arbitration) Rules, 2020."

4. Registry is directed to issue the fresh order copy after incorporating the necessary corrections in the above said Judgment dated 09.06.2023.

22.06.2023

dsn/sn

Index: Yes/No

Speaking Order: Yes/No

Neutral citation: Yes/No



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N.MALA.J.,

dsn

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22.06.2023