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OSA (CAD). No. 69 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

OSA (CAD). No. 69 of 2021

M/s. Nic Arts
Rep by its Sole Proprietor,
Mr s.S.Chakravarthy,
No. 1, Senthil Andavar Koil Street,
Vadapalani, Chennai- 600026.

..Appellant

Vs

M/s. Zee Entertainment Enterprises Ltd.,
Rep by its Managing Counsel,
M/s.Dhanya Nandakumar,
Continental Building,
No. 135, Dr. Anna Besant Road,
Worli, Mumbai.

..Respondent

Prayer: Appeal is filed under Order 13(1) of Commercial Court Act to set aside the order passed by this Court in O.P.No. 753 of 2019 , dated 18.10.2019.

For Appellant	: Mr. S.Rohith Kumar For M/s. AAV Partners
For Respondent	: Ms.T.Mathumitha For M/s. King & Partridge



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JUDGMENT

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(Order of the Court was made by D.KRISHNAKUMAR, J.)

Aggrieved by the order passed by the learned Single Judge in O.P.No. 753 of 2019, dated 18.10.2019, confirming the exparte award dated 19.02.2018 passed by the learned Arbitrator, the present appeal has been filed by the appellant.

2. When the case was taken up for hearing on 05.10.2023, the learned counsel for the appellant sought time to file necessary application to implead the legal heirs of the deceased appellant. Considering the said request made by the learned counsel for the appellant, this Court granted three weeks time to take necessary steps to implead the legal heirs of the deceased appellant. Accordingly, the case is listed today.

3. Today, the learned counsel for the appellant has again sought further time to take steps to implead the legal heirs. It is seen from the records that the appellant has not taken any appropriate steps to implead the legal heirs of the deceased appellant and also not placed



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any materials to show that they have taken steps to file appropriate application for impleading the legal heirs as necessary parties in the present appeal. In such circumstances and in the absence of taking appropriate steps to contest the appeal by the appellant, we are not inclined to grant any further time to the appellant and accordingly, the present appeal is liable to be dismissed as abated.

4. The learned counsel for the respondent has also agreed the fact that the appellant died in the year 2022 and no further steps have been taken by the appellant till date to bring the legal heirs of the deceased in the present appeal and to contest the case further.

5. In view of the above, the appeal is dismissed as abated.
No costs.

(D.K.K., J.) (P.D.B., J.)

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