



O.S.A.No.63 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.03.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

O.S.A.No.63 of 2023
and C.M.P.No.6046 of 2023

The Tamil Nadu Cricket Association
represented by its Secretary,
R.S.Ramasaamy,
Having Office at
MA Chidambaram Stadium,
Victoria Hostel Road, Chepauk,
Chennai – 600 005.

.. Appellant

Vs.

Madras Race Club represented by
its Secretary,
Nirmal Prasad,
Having registered office at
Post Box No.2639, Madras Race Club,
Guindy, Chennai – 600 032.

.. Respondent

Original Side Appeals filed under Order XXXVI Rule 1 of the
Original Side Rules r/w Clause 15 of the Letters Patent against the fair and
decreetal order dated 13.03.2023 passed in O.A.No.188 of 2023 in
C.S.No.20 of 2022 on the file of the this Court.



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For Appellant : Mr.P.R.Raman, Senior Counsel for
M/s.Raman and Associates

For Respondent : Mr.P.H.Aravind Pandian
Senior Counsel for Mr.T.Balaji

JUDGMENT

[Judgment of the Court was made by R.MAHADEVAN, J.]

The defendant in the suit is the appellant herein. They preferred this Original Side Appeal, assailing the order dated 13.03.2023 passed by the learned Judge in O.A.No.188 of 2023 in C.S.No.20 of 2022.

2. On 15.03.2023, when the matter was taken up for consideration, this court has passed the following interim order:

“.....

3.Upon considering the submissions made by the learned Senior Counsel appearing for both the parties, this court is of the view that the only issue that arises for consideration on the basis of the directions issued by the learned Judge, is with regard to the amounts to be deposited by the respondent herein for 600 complimentary tickets and 1300 tickets issued at concessional rate. However, such a disputed question of fact cannot be gone into in this appeal and it has to be agitated before the learned Judge, with whom the suit is pending consideration.

4.Therefore, as agreed by both sides, this Court, as an interim measure, is inclined to pass the following order, by modifying the directions issued by the learned Judge, in his order dated 13.03.2023 passed in O.A.No.188 of 2023 in CS.No.20 of 2022:

- i. the respondent shall pay 50% of the value of 600 complimentary tickets and the actual value of 1300 tickets issued at concessional rate, directly to the appellant; and the same shall be utilized by the appellant;*
- ii. the amount so paid is subject to the outcome of the suit;*
- iii. The time for payment of the said amount is on or before*



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16.03.2023 and on such payment as directed supra, the appellant shall issue tickets to the respondent on or before 20.03.2023.

- iv. The direction no.(5) issued by the learned Judge in the said order passed in O.A.No.188 of 2023 shall remain unaltered; and*
- v. The trial of the suit shall be completed as expeditiously as possible without giving long adjournments.*

"For reporting compliance", post the matter on 17.03.2023. "

3. Today, the learned Senior Counsel appearing for the appellant submitted that the aforesaid order has been complied with.

4. The above submission has been fairly conceded by the learned Senior Counsel appearing for the respondent.

5. In view of the above, this court is of the opinion that nothing survives for further adjudication herein. Therefore, recording the submissions made by the learned counsel on either side, this original side appeal stands disposed of, leaving it open to the parties to raise all the contentions before the court, where the civil suit is pending. No costs. Connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
28.03.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation; Yes / No



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AND
MOHAMMED SHAFFIQ, J.

nsd

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