



ARB.O.P.(Com.Div) No.10 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com.Div) No.10 of 2023

M/s. New Link Overseas Finance Limited,
Rep. by its Director,
Through its Authorised signatory,
Mr.P.Viswanathan,
Mamatha Complex, Second Floor,
No.25, Whites Road, Royapettah,
Chennai – 600 104.

... Petitioner

Vs.

1.M/s.Sargam Metals Pvt. Ltd.,
Rep. by its Director,
Module 35, 3rd Floor, Block-I,
Electronic Complex, Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.

2.Mr.S.Arun,
Director of M/s.Sargam Metals Pvt. Ltd.,
S/o. Thiru.R.P.Sarathi,
No.189, Old No.122, St. Mary Road,
Alwarpet, Chennai – 600 018.

3.Mrs.Vijaya Arun,
Director of M/s.Sargam Metals Pvt. Ltd.,
W/o. Mr.S.Arun,
No.189, Old No.122, St. Mary Road,
Alwarpet, Chennai – 600 018.



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4.Mr.S.Varadachari,
Guarantor-cum-Authorised Signatory,
Flat No.B1, Sarvana Priya Apartments,
No.23.70, Pillayar Koil Street,
Jafferkhanpet, Chennai – 600 083.

... Respondents

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate the disputes between the petitioner and the respondents in terms of the Arbitration Agreement dated 19.09.2016 and direct the respondents to pay costs.

For petitioner : Mr.N. Prem Kumar

For respondents : Mr.Vaibhav R. Venkatesh

ORDER

The learned counsel for the petitioner has made an endorsement in the Court bundle that permission may be granted for the petitioner to withdraw this petition with liberty to the petitioner to file a Civil Suit. The aforesaid endorsement is recorded.



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2. Accordingly, this Arbitration Original Petition is dismissed as withdrawn. However, liberty is granted to the petitioner as prayed for. The respondents are also granted liberty to raise objections available to them under law, as and when a Civil Suit is filed by the petitioner.

17.08.2023

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

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ABDUL QUDDHOSE, J.

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