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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.P.(MD)No.9209 of 2022
in
C.M.A.(MD)No.SR45441 of 2022

The Project Director,
National Highways No.45 E & 220,
National Highways Authority of India having his office at 83/1,
Suriya Towers, 1st East Street,
K.K.Nagar, Madurai-20,
Presently at Plot No.1, Aishwaryam Heights,
Indira Nagar, 1st Street Sennamanaickenpatti (PO),
Thadikombu Road,
Dindigul-624 004.

...Appellant

/Vs./

- 1.J.Duraipandi (died)
- 2.J.Ramar
- 3.The District Revenue Officer,
(Land Acquisition Officer/
National Highway-45Ext.)
Dindigul.
- 4.The District Collector/Arbitrator,
Dindigul.
- 5.Pushpam



6.Suthanthira Devi

7.Maheswaran

...Respondents

[Respondents 5 to 7 are brought on record as legal heirs of the deceased 1st respondent vide Court order dated 12.01.2023]

PRAYER in C.M.P.(MD)No.9209 of 2022:- Civil Miscellaneous Petition- filed under Section 5 of the Limitation Act, to condone the delay of 104 days in filing C.M.A.(MD)No.SR45441 of 2022.

PRAYER in C.M.A(MD)No.SR45441 of 2022:- Civil Miscellaneous Appeal- filed under Section 37(1) & (2) of Arbitration & Conciliation Act, 1996, to call for the records of the order dated 07.04.2018 bearing Arbitration O.P.No.72 of 2016 on the file of the Principal District and Sessions Court, Dindigul and set aside the same.

For Appellants	: Mr.Sivakumar for Mr.SU.Srinivasan
For R2, R5 to R7	: Mr.R.R.Kannan
For R3 & R4	: No Appearance

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Read this order in continuation of and in conjunction with earlier orders, particularly order dated 21.08.2023, which read as follows:



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“This matter was referred to mediation and a memo of agreement between the land owners and the Project Director of the National Highways Authority of India, Dindigul has been executed on 07.07.2023. The claimants agree that they have received a sum of Rs.50,04,572/- being the first tranche of payment. The remaining due has been quantified as a sum of Rs.27,70,000/-.

2.Learned counsel for the National Highways Authority states that though a demand draft was taken for an amount of Rs.27,70,000/- and produced for deposit before the Principal District Judge, Dindigul, it could not be deposited as the learned Judge had sought orders from this Court to accept the same.

3.In terms of the agreement entered into between the parties, the demand draft for Rs.27,70,000/- (Rupees Twenty Seven Lakhs and Seventy Thousand only) will be received by the Principal District Judge, Dindigul. Let a memo be filed by the appellant evidencing such deposit, for which purpose the matter will be listed on 22.08.2023.

4.List on 22.08.2023 at the end of the list.”

2.Today, memo has been filed by the learned counsel for the appellant enclosing a copy of Demand Draft that has been taken on 01.08.2023 for a sum of Rs.27,70,000/-(Rupees Twenty Seven Lakhs and Seventy Thousand only). He assures the Court that the DD will be presented before the Principal District Court, Dindigul tomorrow (i.e., 23.08.2023). This is recorded.



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3.As nothing further survives in this matter, there is no necessity to condone the delay in filing. This Civil Miscellaneous Petition is closed. As a result, there is nothing further that needs to be done in regard to the Civil Miscellaneous Appeal in SR stage. No costs.

[A.S.M.J.] & [R.V.J.]
22.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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Order made in
C.M.P.(MD)No.9209 of 2022
in
C.M.A.(MD)No.SR45441 of 2022

Dated:
22.08.2023