



C.R.P(MD)No.2518 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.2518 of 2022
and
C.M.P(MD)No.12366 of 2022

VR Lakshmanan

... Petitioner/
Respondent

Vs.

T.Kannan

... Respondent/
Claim Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the impugned order passed by the sole arbitrator in Arbitration Proceedings No.1 of 2019 dated 27.11.2022 (signed on 30.11.2022) on the file of the sole arbitrator, Madurai and to set aside the same as illegal.

For Petitioner : Mr.B.Saravanan
For Respondent : Mr.Raghuvaran Gopalan

ORDER

The civil revision petition has been filed by the petitioner against the impugned order, dated 27.11.2022 (signed on 30.11.2022) by the sole arbitrator.



C.R.P(MD)No.2518 of 2022

WEB COPY

2. The petitioner herein has filed O.S.No.10 of 2019 before the District Munsif Court, Melur. The said suit has been transferred and re-numbered as O.S.No.90 of 2020 before the VI Additional District Court, Madurai. In the aforesaid proceedings, the respondent had filed I.A.No. 276 of 2019, which has been now re-numbered as I.A.No.184 of 2022 after it was transferred to the VI Additional District Court, Madurai. The said application was under Section 8 of the Arbitration and Conciliation Act, 1966 stating that the dispute between the petitioner and respondent was arbitrable.

3. Initially, the learned arbitrator has passed an interim order in I.A.No.1 of 2019 on 03.04.2019. Subsequently, the respondent filed a memo before the learned Arbitrator on 12.10.2022 by relying on the decision of the Hon'ble Supreme Court in the case of ***Vidya Drolia Vs Durga Trading Corporation*** reported in ***(2021) 2 SCC 1***. The respondent has now withdrawn I.A.No.184 of 2022 as not pressed for by making an endorsement on 19.01.2023. The suit filed by the petitioner is otherwise listed on 10.03.2022 since I.A.No.184 of 2022 (formerly I.A.No.276 of 2019) has been given up. The plea of the respondent to refer the case for



C.R.P(MD)No.2518 of 2022

arbitration thus stands withdrawn. Therefore, indirectly arbitration proceedings also stand diluted. The petitioner has to now proceed further with O.S.No.10 of 2019 which has been re-numbered as O.S.No.90 of 2020 before the VI Additional District Court, Madurai.

4. The civil revision petition is closed as no further orders are required in view of the withdrawal of I.A.No.184 of 2020 (formerly I.A.No.276 of 2019). It is needless to say that it is open for the petitioner to canvass his rights before the trial Court. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The VI Additional District Court, Madurai.
- 2.The District Munsif Court, Melur.
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.2518 of 2022

C.SARAVANAN,J.

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C.R.P(MD)No.2518 of 2022

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