



Arb.O.P.(Com.Div.)No.129 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P.(Com.Div.)No.129 of 2024

and

Arb.Appln.No.55 of 2023 & A.No.1639 of 2024

Cee Dee Yes Health Care Services Pvt. Ltd.,
Rep by its Chairman & M.D.,
Mr.C.DevadasaSundaram,
#25, 2nd Avenue, Indra Nagar,
Chennai 600 020

... Petitioners

Vs.

Sri Kauvery Medical Care (India) Ltd.,
Rep by its Executive Chairman,
Dr.S.Chandrakumar,
#17A, Murrays Gate Road, Alwarpet,
Chennai 600 018.

... Respondent

Arbitration Original Petition filed under Section 34(2) of the Arbitration and Conciliation Act, 1996 to set aside the award dated 03.03.2024 passed by the sole Arbitrator in its entirety and direct the respondent to pay the cost.



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For Petitioner : Mr.M.K.Kabir, Senior counsel
Mr.S.K.Mylavan

For Respondent : Mr.Sashidhar Sivakumar

ORDER

This petition has been filed to set aside the Arbitral Award passed by the learned Arbitrator dated 03.03.2024.

2. Mr.M.K.Kabir, learned Senior counsel for the Petitioner would submit that the dispute between the parties has been amicably settled and hence, he seeks leave of this Court to withdraw this petition.

3. The learned counsel for the respondent had confirmed the above submission made by the petitioner. Further, since the matter has been amicably settled between the parties, he seeks leave of this Court to withdraw the application filed by the respondent in Arb.Appln.No.55 of 2023.



4. Both the learned counsel for the petitioner and the respondent pray for refund of full Court fee, which was paid by them in their respective petition and application, in view of Section 89(2) of CPC and Section 69A of the Tamil Nadu Court fee and Suit Valuation Act, 1955 and in view of decision of the Honourable Supreme Court reported in **2021 SCC Online SC 109 (The High Court of Judicature at Madras Vs. M.C.Subramaniam and others)**.

5. In the light of the above said decision of the Honourable Supreme Court and Section 89(2) of CPC and Section 69A of the Tamil Nadu Court Fee and Suit Valuation Act, 1955, the petitioner and the respondent are entitled to refund of full Court fee, which was paid by them in their respective petition and application.

6. Accordingly, recording the submissions of the learned counsel for the petitioner and the respondent, this Arbitration Original Petition and the Arbitration Application in Arb.Appln.No.55 of 2023 are dismissed as withdrawn. Consequently, the connected application is also closed.



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7. The Registry is directed to refund the full Court fee subject to all procedural formalities in this regard being complied with, by way of a negotiable instrument in favour of the learned counsel for the Petitioner (for Arb.O.P.(Com.Div.)No.129 of 2024) and the respondent (for Arb.Appln.No.55 of 2023), within a period of four weeks from the date of receipt of a copy of this order.

12.06.2024

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

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KRISHNAN RAMASAMY.J.,
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12.06.2024