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Arb.O.P (Com.Div.) No.137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P (Com.Div.) No.137 of 2024

and

A.Nos.1783 & 2363 of 2024

N.Sridhar

... Petitioner

Vs.

M/s.Shriram Finance Limited,
(Formerly known as M/s.Shriram Transport Finance Company Limited),
Rep by its Authorised Signatory Mr.V.Velu,
No.16/2, 1st Floor, R.S.Road,
Siruvapuri Murugan, Ponneri 601 204.

... Respondent

Arbitration Original Petition filed under Section 34(1) of the Arbitration and Conciliation Act, 1996, to set aside the impugned award dated 30.06.2023 made in the above Arbitration Case No.577 of 2022 by the learned Sole Arbitrator, M.Mohideen Pitchai, M.Sc., B.L., (Retired District and Sessions Judge) in its entirety and to direct the respondent to pay the costs.

For Petitioner : Mr.R.Munuswamy

For Respondent : Ms.N.Jayabharathi



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ORDER

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2. When this matter was taken up for hearing, the learned counsel appearing for the petitioner as well as the respondent would submit that the matter has been settled between the parties by virtue of Joint Memorandum of Compromise. Hence, they would submit that this matter shall be closed in terms of the said Joint Memorandum of Compromise entered between them.

3. By recording the above submissions, this original petition is allowed in terms of the Joint Memorandum of Compromise dated 09.07.2024. The said Joint Memorandum of Compromise shall form part and parcel of this order. Consequently, the connected applications are also closed.

4. Further, the learned counsel for the petitioner prays for refund of full Court fee, in view of Section 89(2) of CPC and Section 69A of the



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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 Hon'ble Supreme Court and Section 89(2) of CPC and Section 69A of the Tamil Nadu Court Fee and Suit Valuation Act, 1955, the petitioner is entitled to refund of full Court fee.

6. 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, within a period of four weeks from the date of receipt of a copy of this order.

09.07.2024

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

nsa



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KRISHNAN RAMASAMY.J.,
nsa

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