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OSA (CAD) No.47 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A. (CAD) No. 47 of 2024
and
C.M.P.No.10204 of 2024 in O.S.A. (CAD) No.47 of 2024

The Chairperson,
now, Chennai Port Authority
rep. By its Chairman,
No.1, Rajaji Salai,
Chennai – 600 001.

.. Appellant

Vs

1.V.Manoharan and 77 others rep. By
The Madras Port Spillage Handling Workers
Association,
Regd.1/10.55/1990,
165, Amman Koil Street,
Kakanchi Colony, Vyasarpadi,
Chennai – 600 039.

2.A.Puratchidasan
3.S.Suresh
4.M.Krishnamurthi
5.R.Sekar
6.E.Sekar
7.Elumalai
8.K.Annappan
9.M.Murthy

K.Srinivasan (died)



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- 10.R.Niraimathi
- 11.S.Kandaswamy
- 12.G.Pandian
- 13.U.Devi
- 14.M.Ponnan
- 15.M.Devaraj
- 16.S.Muniyammal
- 17.S.Sundaramoorthy
- 18.S.Manimaran
- 19.Meera
- 20.M.Lakshmi
- 21.M.Andal
- 22.M.Kalyani
- 23.R.Sundari
- 24.V.Dhanalakshmi
- 25.D.Sasikala
- 26.S.Dhatchayani
- 27.S.Sadhana
- 28.B.Jayalakshmi
- 29.S.Gunasundari
- 30.T.Muniyammal
- 31.E.Nalini
- 32.E.Vignesh
- 33.Mumthaj S.
- 34.Fathima Bee M.E.
- 35.Shakila Banu M.
- 36.Apsama H.
- 37.Ennore Port Ltd.,
now known as Kamarajar Port Ltd.,
rep. By its Chairman cum
Managing Director,
2nd and 3rd Floors (North Wing),
Jawahar Building, 17, Rajaji Salai,
Chennai – 600 001.

.. Respondents

Appeal filed under Section 96 of The Code of Civil Procedure read with Section 13 of The Commercial Courts Act and read with Section 37 of The Arbitration and Conciliation Act against the order dated 12.02.2024 made in A.No.5610 of 2023 in Arb.O.P. (Commercial Division) No.509 of 2023.



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For Appellant : Mr.AR.L.Sundaresan,
Additional Solicitor General of India
for Mr.S.Haja Mohideen Gisthi
and Ms.N.Dhivya Bharathi

JUDGMENT

(Judgement of the Court was delivered by **M.Sundar, J.**)

Mr.AR.L.Sundaresan, learned Solicitor appearing on behalf of Mr.S.Haja Mohideen Gisthi, learned counsel on record for the appellants is before us.

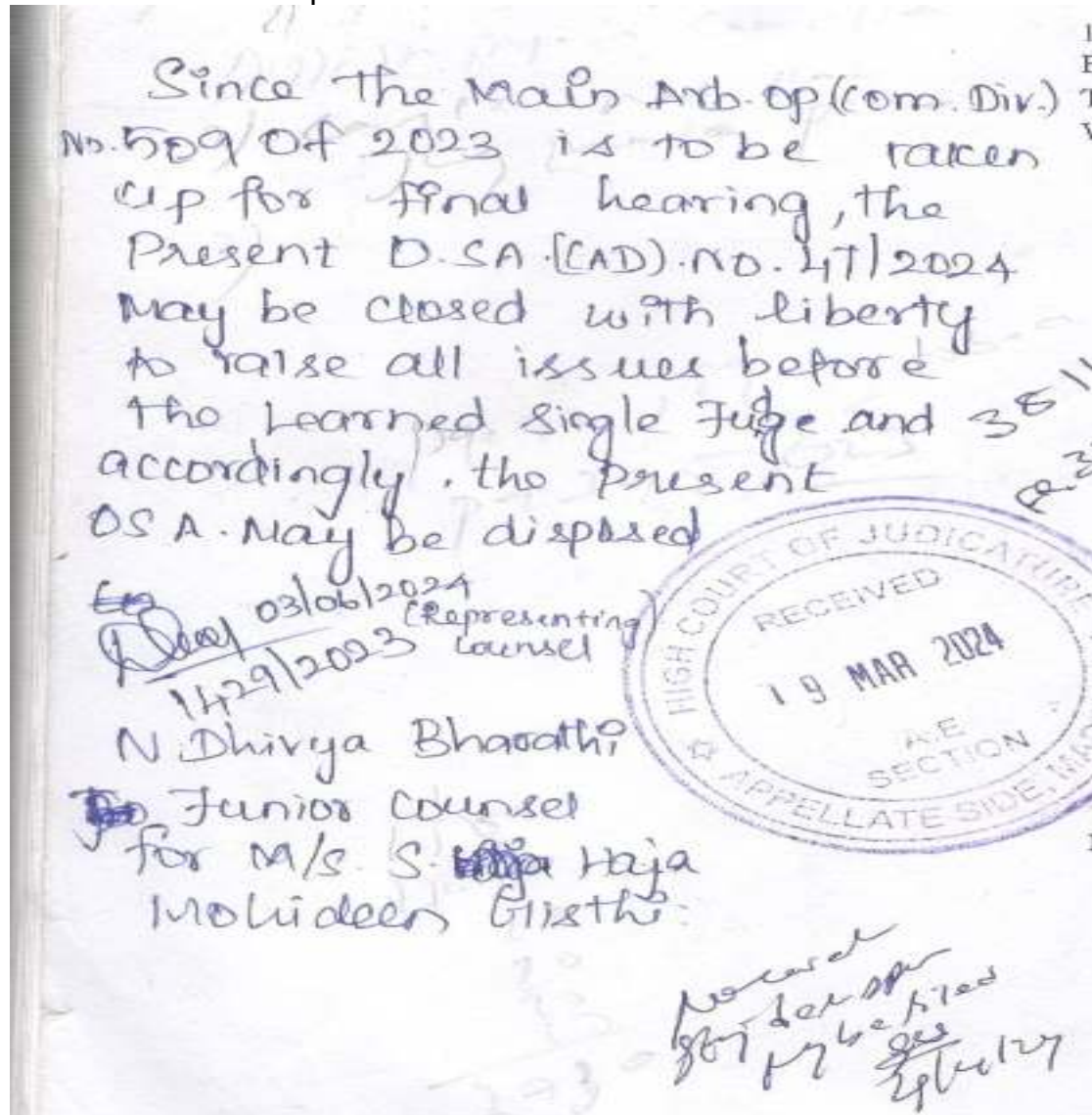
2. Learned senior counsel very fairly submitted that pursuant to the impugned order, post 25.03.2024 the money that has been directed to be deposited vide 'order dated 12.02.2024 made in A.No.5610 of 2023 in Arb.O.P. (Commercial Division) No.509 of 2023' (hereinafter 'impugned order' for the sake of brevity) has since been deposited and therefore captioned 'Original Side Appeal' (hereinafter 'OSA' for the sake of brevity) is being withdrawn. Learned Solicitor requested that all rights of both sides may please be preserved for being canvassed in the main Section 34 Original Petition i.e., Arb.O.P. (Commercial Division) No.509 of 2023.



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3. Ms.N.Dhivya Bharathi, learned counsel representing the counsel on record for appellant has made endorsements in the case file and scanned reproduction of the same are as follows:





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OSA (CAD)
Since the main Arbop (compd)
No. 509 of 2023 is to be taken
up for final hearing, the
Present CMP. 10204/2024 in
OSA (CAD) NO. 47/2024 may be closed
with liberty to raise all issues
before the learned single judge
and accordingly ~~the~~ All
the CMP in OSA (CAD) 47/2024
may be closed.

3815
For N. Dhivya Bhaskar
Junior Counsel for Mrs. S. Haja
Mohideen
O.P. B.

14/06/2023
03/06/2024

APR 2024

4. In the light of the narrative thus far, captioned OSA is disposed of as closed/withdrawn albeit making it clear that Section



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34 Court will now hear out Arb.O.P. (Commercial Division) No.509 of 2023 on merits and in accordance with law. Consequently, captioned Civil Miscellaneous Petition also disposed of as closed/withdrawn. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
03.06.2024

Index:Yes/No
Neutral Citation: Yes/No
mmi

To

- 1.The Chairman cum Managing Director,
Ennore Port Ltd.,
now known as Kamarajar Port Ltd.,
2nd and 3rd Floors (North Wing),
Jawahar Building, 17, Rajaji Salai,
Chennai – 600 001.
- 2.The Sub Assistant Registrar,
Original Side, High Court,
Madras.



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**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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