



Application No. 1934 of 2024 and
Arbitration O.P. (Com.Div.) No. 150 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**Arbitration O.P. (Com.Div.) No. 150 of 2024
and Application No. 1934 of 2024**

A.K.R.Vetriazhagan

...Petitioner

-VS-

1. P.Sathya
2. Minor S.V.Jey Adithya
3. Minor S.V.Rohan Rajendra
4. Minor S.V.Harinjain
5. R.Vedanayaki

...Respondents

PRAYER: Arbitration Original Petition filed under Section 34(2)(a) and (b) and 34(2A) of the Arbitration and Conciliation Act, 1996 to set aside the Award dated 04.09.2023 in Arbitration Case No. 4 of 2018 passed by the Hon'ble Arbitral Tribunal and direct the Respondents to pay costs.

For Petitioner : M/s.Suhrith Parthasarathy

For Respondents : Mr. Gowtham Thelak V.B.
(R1 to R4)
Mr. Abbinav Parthasarathy (R5)

ORDER

The instant Original Petition had been filed challenging the award



Application No. 1934 of 2024 and
Arbitration O.P. (Com.Div.) No. 150 of 2024

dated 04.09.2023.

2. Pending this proceedings, the parties to the petition have arrived at a settlement and two separate memorandum of settlement have been entered upon, one between the petitioner and the respondents 1 to 4 on 20.09.2024 and another between the petitioner and the respondent 5 on 19.09.2024.

3. The reason that has been attributed for filing two Memorandum of Settlement is that the fifth respondent, who stays at Vedaranyam, is bed-ridden and she is unable to travel to Chennai.

4. From the record, it could be seen that the respondents 1 to 4 are residing at Chennai and the fifth respondent is a resident of Vedaranyam.

5. Today, a Joint Memorandum of Compromise is filed by the respective counsels appearing for the parties enclosing the Memorandum of Settlement dated 20.09.2024 and 19.09.2024 as stated supra.



WEB COPY



Application No. 1934 of 2024 and
Arbitration O.P. (Com.Div.) No. 150 of 2024

6. The petitioner and the first respondent were present before this Court. The appearance of the fifth respondent is dispensed by taking into consideration the medical condition of the fifth respondent as affirmed by the learned counsel appearing for the fifth respondent. The respondents 2 to 4 are minor sons of the first respondent. The first respondent has filed an affidavit indicating that she had entered the settlement also on behalf of the respondents 2 to 4, who are minors and hence, she may be permitted to represent them. This affidavit is taken on record and such permission to represent the minors is granted. The memorandum of settlement entered into between the parties are taken on record and shall form part of this order. The learned counsel appearing on behalf of the respondents 1 to 4 would submit that they had also preferred Arbitration Original Petition (Com.Div.) bearing e-filing no.ATN10110021829 C202400001 against the award dated 04.09.2023 and undertakes to not-press the said O.P. The said undertaking is also taken on record.



Application No. 1934 of 2024 and
Arbitration O.P. (Com.Div.) No. 150 of 2024

WEB COPY

7. It has also been brought to the notice of this Court that a sum of Rs. 2.50 crores is lying to the credit of the instant Original Petition and that the respondents should be permitted to withdraw the same in the proportion as agreed upon by the parties in the respective Memorandum of Settlement.

8. The respondents are at liberty to withdraw the deposited amount in terms of the Memorandum of Settlement and the Petitioner also undertakes to bear the commission charges leviable on the said deposit.

9. In view of the Memorandum of Settlement, the Arbitration Original Petition is disposed.

10. Registry is directed to return the original award to the petitioner.

20.09.2024

Maya



WEB COPY



Application No. 1934 of 2024 and
Arbitration O.P. (Com.Div.) No. 150 of 2024

K.KUMARESH BABU, J.

Maya

**Arbitration O.P. (Com.Div.) No. 150 of 2024
and Application No. 1934 of 2024**

Dated : 20.09.2024