



WEB COPY



O.S.A(CAD)No.31 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

O.S.A(CAD)No.31 of 2023

and

C.M.P.No.7629 of 2023

in

O.S.A(CAD)No.31 of 2023

Mr.C.S.Padam Chand
S/o.Late S.Chain Raaj Jain

... Appellant

Vs.

1. K.Shibu
Proprietor of Thameen Films
No.42/2 Avanthika Aparment
Flat No.F1, Vellalar Street
Kodambakkam, Chennai-600 024.
2. M/s.H.R.Pictures
Rep. by its Managing Partner
Mrs.Mumthas Muhammad
TC 89/2951-1, Thycaud PO
Thiruvananthapuram - 695 014
and Branch Office at
29B Gandhi Nagar Main Road
Alwarthirunagar, Valasaravakkam

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Chennai-600 087.

.. Respondents

Original Side Appeal filed under Section 13 of Commercial Courts

Act, 2015 read with Section 37 of Arbitration and Conciliation Act, 1996, praying to set aside order of learned Judge passed in O.A.No.131 of 2023 dated 23.02.2023 on the file of the Original Side, Madras High Court and consequently, allow this appeal.

For Appellant : Ms.R.Madhumitha
M/s.My Lord Law Associates
For Respondents : Mr.T.Thiageswaran
M/s.Waraon and Sai Rams
for R2

J U D G M E N T

[Judgment of the Court was made by M.SUNDAR, J.,]

When the matter was taken up, Ms.R.Madhumitha, learned counsel of M/s.Waraon and Sai Rams (Law Firm) for the appellant in captioned 'Original Side Appeal' {hereinafter 'OSA' for the sake of brevity} and for petitioner in 'Civil Miscellaneous Petition' {hereinafter 'CMP' for the sake of brevity} thereat sought leave of this Court to withdraw the captioned OSA and captioned CMP saying that arbitration proceedings have commenced. Learned counsel made endorsements in the case file and scanned



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reproduction of the same are as follows:

Endorsement in O.S.A(CAD)No.31 of 2023:

O.S.A. No. 31 of 2023
Appeal for the Appellant
duly shown in the
cause list. It may be permitted
to withdraw
Rajesh
K. K. K. K.
20/8/23

Endorsement in C.M.P.No.7629 of 2023:

C.M.P. No. 7629 of 2023
It may be permitted
to withdraw
Rajesh
counsel for
respondent
21/8/23

2. Mr.T.Thiageswaran, learned counsel of M/s.Waraon and Sai Rams
(Law Firm) for R2 is before this Court.

3. Though R1 has entered appearance through counsel and name of
learned counsel (Mr.P.Dinesh Kumar) is duly shown in the cause list, there



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is no representation.

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

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4. In the light of the narrative thus far, captioned OSA and captioned CMP thereat are disposed of as withdrawn / closed albeit preserving all rights and contentions (including contentions raised in the captioned OSA and captioned CMP) qua arbitral proceedings which both sides say (i.e., appellant and R2) have commenced. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
21.08.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No

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To
The Sub-Assistant Registrar
Original Side
High Court, Madras.

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