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O.S.A.No.75 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

O.S.A.No.75 of 2021

Raajendra Namalwar
S/o.Late S.Nammalwar

... Appellant

Vs.

1. T.Udayakumar
S/o.K.Thulasingham

2. The Hon'ble Justice Mrs.Praba Sridevan
Former Judge
Madras High Court
No.7, Krishnaswami Avenue
Luz, Mylapore
Chennai-600 004.

.. Respondents

(R2 deleted vide order dated 24.06.2024
in O.S.A.No.75 of 2021)

Original Side Appeal filed under Order XXXVI Rule 1 of Original
Side Rules read with Section 37(1)(c) of Arbitration and Conciliation Act,
1996 read with Clause 15 of the Letters Patent Act, praying to set aside the

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order and decretal order made in O.P.No.1171 of 2018 dated 18.05.2020 on the file of this Hon'ble Court (O.S) thereby set aside the award passed by the second respondent dated 10.07.2018 and pass a meaningful award / decree in favour of the appellant.

For Appellant : Mr.R.Thiagarajan
For Respondent : Mr.S.Ramesh

J U D G M E N T

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

Captioned matter is listed under the cause list caption 'FOR REPORTING SETTLEMENT / WITHDRAWAL OR ARGUMENTS'.

2. In and by an order dated 24.06.2024, R2 has been deleted. Registry ought to have made suitable endorsement in the case file but the same has not been done. Let the needful be done now before uploading / before issue of certified copies.

3. Be that as it may, order dated 24.06.2024 reads as follows:

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**M.SUNDAR,J.,
and**

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K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made by M.SUNDAR, J.)

Ms.Vasudha Thiagarajan, learned counsel for appellant and Mr.Nikhil A.S., learned counsel representing Mr.S.Ramesh, counsel on record for first respondent are before us.

*2. Applying **Vinay Heavy Equipments** principle [**Zonal. Gen.Manager, Ircon Inter. Natnl. Ltd., vs. Vinay Heavy Equipments** reported in **2007 SCC OnLine SC 4** and **Zonal General Manager, Ircon International Limited Vs. Vinay Heavy Equipments** reported in **(2015) 13 SCC 680**] we delete the Hon'ble sole Arbitrator from the array of parties. Registry to not to show the name of Hon'ble sole Arbitrator in the cause list from next listing. Therefore, R1 now becomes sole respondent.*

3. Learned counsel for appellant and learned counsel for sole respondent submitted in one voice that possibility of giving a closure to the matter is being explored and made a common request for listing one week hence. Request acceded to.

4. List one week hence under the cause list caption 'FOR REPORTING SETTLEMENT OR ARGUMENTS' on 01.07.2024.'

4. This means that R1 [T.Udayakumar] has now become sole respondent.

5. Mr.R.Thiagarajan, learned counsel on record for sole appellant and



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Mr.S.Ramesh, learned counsel for lone respondent are before us.

WEB COPY 6. At the request of both sides, captioned matter was referred to Mediation.

7. Today, aforementioned both learned counsel submit in one voice that the captioned matter has been settled before Mediation, saying so, an endorsement has been made by learned counsel on record for appellant and the same has been counter signed by learned counsel for lone respondent. A scanned reproduction of the same is as follows:



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8. As regards refund of Court fee, in the light of Section 69-A of 'Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)' (hereinafter 'TN Court Fees Act' for the sake of brevity), appellant is entitled to refund of Court fee.

9. Registry to process the refund of Court fee and ensure that refund is made by way of an instrument drawn in favour of appellant as expeditiously as the business of Registry would permit but in any event within four weeks from today i.e., by 18.10.2024. Refund is subject only to statutory deductions, if any and it is obviously subject to learned counsel for appellant complying with procedural requirements.

10. Captioned OSA disposed of in the aforesaid manner i.e., disposed of as withdrawn / closed as settled in Mediation. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

20.09.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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

mk

To

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

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