



Application No.5082 of 2024

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in
Arb.O.P.(Com.Div.)No.87 of 2022

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G.K.ILANTHIRAIYAN, J.

This application has been filed seeking permission to withdraw the amount which was deposited by the respondent herein to the credit of Arb.O.P.(Com.Div.)No.87 of 2022.

2.The Arbitral Tribunal had passed an award in favour of the applicant herein on 18.09.2024. Challenging the award, the respondent herein preferred Arb.O.P.(Com.Div)No.87 of 2022, which came to be dismissed on 28.02.2022 and against which, when appeal was preferred in O.S.A.(CAD)No.93 of 2022, the same was also dismissed by the Hon'ble Division Bench of this Court on 21.12.2023. Subsequently, the respondent herein had deposited a sum of Rs.29,92,169/- to the credit of Arb.O.P.(Com.Div)No.87 of 2022. Therefore, the applicant herein has sought for permission of this Court to withdraw the said sum along with accrued interest therein.



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3. Learned counsel for the respondent herein would submit that as against the judgment passed by the Hon'ble Division Bench of this Court in O.S.A.(CAD)No.93 of 2022, dated 21.12.2023, the respondent herein is intended to file an appeal before the Hon'ble Supreme Court. However, till date, no appeal has been filed.

4. Therefore, in view of the above, this Court is inclined to permit the applicant herein to withdraw the amount lying in the credit of Arb.O.P.(Com.Div.)No.87 of 2022. Accordingly, Registry is directed to issue a cheque in favour of the applicant herein for withdrawal of the amount lying in the credit of Arb.O.P.(Com.Div.)No.87 of 2022, after deducting necessary fees if any, within a period of two weeks from the date of receipt of a copy of this order. With this direction, this application is allowed.

23.10.2024

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