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Review Application No.332 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Review Application No.332 of 2024

in

O.S.A.(Comm.App.Div.) No.7 of 2023

M/s.Sunwin Papers,
Represented by its Proprietrix
R.Thilagavathi,
Having its Office at
HB-84, 80 Feet Road,
RM Colony, Dindigul – 624 001.

Presently residing at:
No.22, Chellammal Colony, 1st Street,
Samundipuram, Tiruppur – 641 602.
Represented by its Power of Attorney
Mr.P.Rajasekaran

... Applicant / Respondent

Vs.

M/s.Sivadarshini Papers Limited,
2/309-A, Harini Arcade, Vadavalli (P.O.),
Coimbatore – 641 041.

... Respondent / Appellant

Prayer: Revision Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code, 1908, to review and consider to withdraw the partial order of impugned the final judgement and order dated 30.10.2024, on nomination of new Arbitrator passed by the Division Bench of Madras High



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Court in Case No.OSA (CAD) No.7 of 2023.

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For Applicant : Mr.P.Rajasekaran
(Party-in-Person)

ORDER

(Order of this Court was made by C.SARAVANAN, J.)

This Review Application has been filed to review the order passed by this Court on 30.10.2024 in O.S.A.(Comm.App.Div.) No.7 of 2023.

2. We have heard Mr.P.Rajasekaran (Party-in-Person) in this Review Application. However, we are not impressed with the submissions made by him.

3. The rights of the applicant have to be determined in the manner known to law particularly, when the Award of the Arbitrator dated 01.10.2020 and the Order of the Commercial Court dated 11.08.2022 in Arb.O.P.(Com.Div.) No.195 of 2021 have been set aside by us.

4. Merely because the order of the Arbitrator is set aside *ipso facto* would not mean that automatically the claim of the applicant would stand allowed. The dispute has to be determined in the manner known to law and hence we had directed the High Court Annexed Mediation and Conciliation Centre attached to



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this Court to nominate an Arbitrator to resolve the dispute between the parties.

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5. In view of the above, we find no reasons to review the order.

6. That apart, there is also no error apparent on the face of the record in the order, which is sought to be reviewed.

7. Hence, this Review Application is liable to be dismissed and the same is accordingly dismissed.

[R.S.K., J.]

[C.S.N., J.]

16.12.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

arb

R.SURESH KUMAR, J.

and

C.SARAVANAN, J.

arb



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