



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A No. 4080 of 2025

IN

OP NO. 682 OF 2016

DR.S.Devaraj and another
S/o.Late D.Sabarinanthan, Both are
residing at No.81/33, VGP Salai,
Saidapet, Chennai 600 015.

Applicant(s)

Vs

M/s.Secular Trust,Represented by its
Sole Managing Trustee and
Administrator Mr.D.Indrajith, Also
known as Mr.D.Ajith,
S/o.Mr.R.Devdas, Door No.29/14, III
Main Road,R.A.Puram, Chennai 600
028.

Respondent(s)

PRAYER: This application has been filed to refer the parties to Arbitration in terms of the Clause 9 of the Memorandum of Understanding dated 15.06.2019 to resolve the disputes amongst them.

For Applicant(s): M/S.M. Sriram

For Respondent: Mr. A. B. Rajasekaran

ORDER

This application has been filed by the applicant to refer the parties to Arbitration in terms of the Clause 9 of the Memorandum of Understanding



dated 15.06.2019 to resolve the disputes among them.

2. According to the applicant, there is a Memorandum of Understanding between the parties dated 15.06.2019 and as per Clause 9 of Memorandum of Understanding, the matter has to be referred for arbitration and therefore, this application has been filed.

3. According to the respondents, the application is not maintainable and barred by limitation. This Court after referring the Memorandum of Understanding dated 15.06.2019, passed an order dated 08.08.2019 by disposing the original petition in O.P. No.682 of 2016. Further the said Memorandum of Understanding dated 15.06.2019 stood cancelled with effect from 28.01.2021 through notice dated 25.01.2021 issued by the applicant. After receipt of the said notice, the respondents have not issued any reply and they have not taken any legal steps. The said Memorandum of Understanding dated 15.06.2019 was already cancelled. Now the applicant has filed this application only to drag on the proceedings.

4. This Court heard both sides and perused the entire materials.

5. In this case, already the main Original Petition in O.P. No.682 of 2016 was disposed of and in that order, the Memorandum of Understanding dated



15.06.2019 has been referred. The applicant has filed this application to refer the matter for arbitration. Since the main original petition was disposed of as early as on 08.08.2019, merely because of pendency of the application to recall, is not a ground to refer the matter to arbitration. Whether the arbitration proceedings are maintainable in respect of Trust matters is also one of the questions. Therefore, without going into the merits of the case and since the main original petition itself was disposed of, no question of referring the matter for arbitration would arise in respect of this subject matter. Therefore, this application cannot be considered.

6. With the above said observations, this application is *disposed of*.

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



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