



Application No.5002 of 2025 in O.P.No.390 of 2000

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Application No.5002 of 2025

in

O.P.No.390 of 2000

The Superintending Engineer (H),
Tamil Nadu Urban Development Project,
Chennai - 15.
(Now called as Highways, Project Circle,
No.16, GST Road,
BSNL Telephone Exchange Building,
St.Thomas Mount,
Alandur, Chennai - 16.)

.... Applicant

Vs.

1.S.P.Lakshmanan
2.Selvanayagam Thomas
3.P.L.Manickam
4.N.R.Jayavelu

.... Respondents

[R1 to R4 given up. Notice not necessary]

PRAYER

Application filed under Order XIV Rule 8 of O.S.Rules read with Section 152 of the Code of Civil Procedure, 1908, praying to modify the decree in agreement with the judgment in O.P.No.390 of 2000 dated 23.08.2006.

For Applicant : Mrs.R.Anitha,



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Special Government Pleader

WEB COPY

For Respondents : Mr.R.Sivaraman

ORDER

This application has been filed to make necessary correction in the decree by incorporating the counter claim awarded in favour of the applicant and which was confirmed up to the Division Bench in O.S.A.Nos.94 and 95 of 2009 by order dated 04.06.2019.

2. Heard learned Special Government Pleader appearing for applicant and learned counsel for respondent.

3. The petitioner and the first respondent entered into a contract for the work of widening of the Inner Ring Road. Disputes arose between the parties and hence, the dispute was referred to the Arbitral Tribunal. The Arbitral Tribunal passed an award on 19.09.1998 allowing the claims made by the first respondent, however, rejected the counter claim made by the applicant. Hence, both the parties filed petitions in O.P.Nos.118 & 390 of 2000 under Section 34 of the Arbitration and Conciliation Act, 1996.

4. Learned Single Judge, by a common order dated 23.08.2006,



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set aside the claim Nos.1, 4, 5B and 5D and allowed the counter claim made by the applicant for refund of a sum of Rs.55,90,026/-, which was paid to the respondents towards escalation cost.

5. The above order was taken on appeal before the Division Bench in O.S.A.Nos.94 and 95 of 2009 and the Division Bench, by order dated 04.06.2019, confirmed the order passed by the learned Single Judge. Thus, the counter claim awarded in favour of the applicant stood confirmed.

6. The grievance of the applicant is that when the decree was drafted, the counter claim awarded in favour of the applicant was left out and therefore, the applicant was not able to set off the claim amount awarded in favour of the respondent. It is under these circumstances, the present application has been filed before this Court.

7. In the considered view of this Court, even though the prayer sought for is for modification of the decree, no modification is required since the counter claim has been awarded in favour of the

N.ANAND VENKATESH, J.



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WEB COPY applicant. Therefore, it only requires a clarification to draft the decree by incorporating the counter claim awarded in favour of the applicant.

Accordingly, this application is allowed and there shall be a direction to incorporate the counter claim awarded in favour of the applicant by judgment and decree in O.P.No.390 of 2000 dated 23.08.2006.

10.10.2025

Index:yes/no
Speaking Order/Non-speaking order
NCC : yes/no
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