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Arb Appln No. 1688 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appln No. 1688 of 2025

1. Vatchala Kanagasabapathy

2. K Manivannan

..Applicant(s)

Vs

1. M/s.Eros Theater Shantha Sundaram Mahal
A Partnership Firm Rep.by its Partners No.79,
Lattice Bridge Road, Adyar, Chennai 600 020.

2. S Sivakumar

3. S Ravikumar

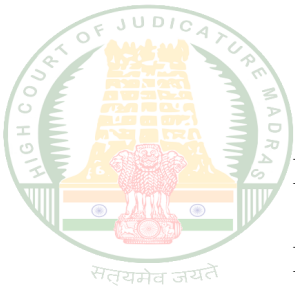
4. M/s.Sicagen India Ltd
Rep. By its General Manager (Administration
& Personnel Formerly Known as M/s.South
India Corporation (Agency Ltd) No.36-40,
Armenian Street, Chennai – 600 001.

5. Usha Jayachandran

6. Nirmala Selvam

..Respondent(s)

Judge's Summons filed under Order XIV Rule 8 of O.S. Rules, read with Section 9 (ii) (b) of the Arbitration and Conciliation Act of 1996, praying to direct the Respondents 2 and 3 to deposit the rental arrears collected by them from out of the assets of the partnership firm from 1993 onwards till date and continue to deposit monthly rental income of the applicants share of 26% till the disposal of the application.



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For Petitioner(s):

Mr.R.Subramanian

For Respondent(s):

Mr.P.J. Sri Ganesh
(For R2 & R3)

ORDER

This application has been filed to direct the Respondents 2 and 3 to deposit the rental arrears collected by them from out of the assets of the partnership firm from 1993 onwards till date and continue to deposit monthly rental income of the applicants share of 26% till the disposal of the application.

2. Heard both sides.

3. A letter dated 01.07.2026 by the learned Sole Arbitrator, addressed to the respective learned counsel for the parties, had been placed on record before this Court. A perusal of the letter would indicate that the learned counsel, who had appeared for the respondents in the arbitration proceedings had agreed to produce certain documents after the arguments were heard and the matter was reserved for passing of an award. As the learned counsel had not produced the documents as promised, the learned Sole Arbitrator had sent a letter, in reply to which the learned counsel had indicated that he had returned the papers and documents to the respondents as early as on 18.11.2024, which had not been brought to his knowledge. The learned Arbitrator had further indicated that the

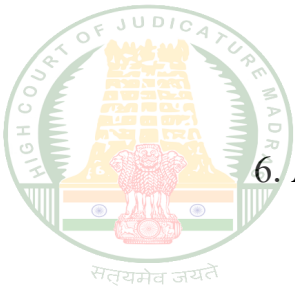


award is ready and that, if the respondent is aggrieved by the passing of the award or this Court permitting him to do so, the award would be passed.

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4. This Court is of the view that, when the matter had been reserved for passing of the award and an undertaking had been given by the learned counsel for the respondents to produce certain documents, which had not been produced, there is no necessity to seek the consent of the respondent to pass the award and the learned Arbitrator can proceed to pass the award in accordance with law. The withdrawal of the vakalat by the learned counsel for the respondent, that too after the matter had been reserved for orders, would not in any manner prejudice the respondent and the learned Arbitrator can also pass the award based upon the records placed before him. In such view of the matter, this Court is of the view that the learned Arbitrator can proceed to pass the award.

5. It is further to be noted that the present prayer in the application is also the subject matter of the arbitration proceedings and in view of the fact that the learned Arbitrator can pass the award immediately, no further orders are required to be made in this application.



6. Accordingly, this application stands closed. No costs.

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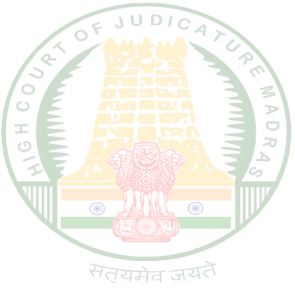
Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Note: Issue order copy on 13.07.2026



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K.KUMARESH BABU, J.

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