



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 698 of 2026

AND

CMP NO. 3701 OF 2026

1. Cholamandalam Investment and Finance Company Pvt Ltd
Dare House, 1st Floor, NSC Bose Road,
Chennai-01.

2. Cholamandalam Investment and Finance Company Pvt Ltd,
B.Rajesh Babu ABM, ASV Adarsh Coplex, No.719, Pathari Road,
Thousand Light, Chennai-02.

3. Cholamandalam Investment and Finance Company Pvt.Ltd
Arockia Doass, (Branch Manager)
Pallikarani, Chennai-100.

Petitioner(s)

Vs

1. John Shankar Rao

2. Central Government
Reserve Bank of India, Fort Glacious
Road, Kamarajar Street, Chennai-01.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order passed by the learned IV Assistant Judge, City Civil Court, Chennai dated 18.12.2025 made in IA No. 1 of 2024 in OS No. 6605 of 2023 and allow this revision petition and thus render justice.



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For Petitioner(s): Mr.K.B.Vivekanandhan

For Respondent(s): Mr.John Shankar (Party -In
-Person) For R1

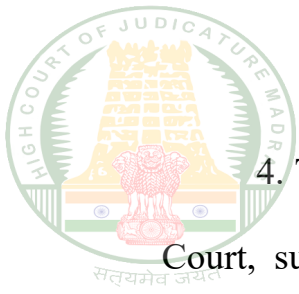
Mr. T.Poornam For R2

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 18.12.2025 passed by the IV Assistant City Civil Court, Chennai, in I.A. No.1 of 2024 in O.S. No.6605 of 2023.

2. Under the aforesaid order, the application filed by the petitioners under Section 8 of the Arbitration and Conciliation Act, 1996, seeking to refer the dispute to arbitration, has been dismissed on the ground that the petitioners have not satisfied the requirements of Section 8(2) of the Arbitration and Conciliation Act, 1996 by producing the original of the agreement or a certified copy.

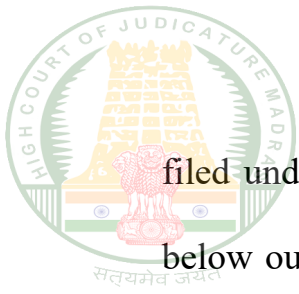
3. The learned counsel for the petitioners submitted that a true copy of the agreement, which contains the arbitration clause, was filed along with the application filed under Section 8 of the Arbitration and Conciliation Act, 1996 before the Court below, but, despite the same, erroneously, by total non-application of mind, the Court below has dismissed the petitioners' application.



4. The first respondent, who is appearing as a party-in-person before this Court, submits that the petitioners will have to file the original agreement, containing the arbitration clause, and therefore, the Trial Court has rightly rejected the petitioners' application filed under Section 8 of the Arbitration and Conciliation Act, 1996.

5. Section 8(2) of the Arbitration and Conciliation Act makes it clear that even if a certified copy is filed along with an application filed under Section 8 of the Arbitration and Conciliation Act, 1996, the said application can be entertained by the Court. The petitioners had filed the true copy of the agreement, which contains the arbitration clause between the parties. It is a self-attested document of the petitioners. The first respondent has also not disputed the contents of the agreement, which contains the arbitration clause. The agreement is not a registered agreement and, therefore, it is only possible for the petitioners to file the true copy viz., the self-attested copy of the agreement for the purpose of filing an application under Section 8 of the Arbitration and Conciliation Act, 1996.

6. Admittedly, there exists an arbitration clause in the agreement between the parties viz., the petitioners and the first respondent. Therefore, when the petitioners had filed the true copy of the agreement along with the application

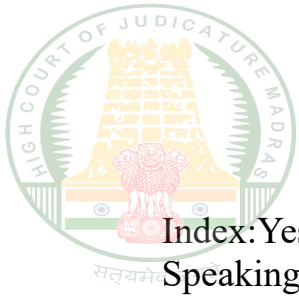


filed under Section 8 of the Arbitration and Conciliation Act, 1996, the Court below ought to have entertained the same and should have referred the dispute to arbitration in accordance with the arbitration clause contained in the agreement between the parties. But, the Trial Court, by total non-application of mind, has erroneously, dismissed the application filed by the petitioners.

7. For the foregoing reasons, this Court will have to necessarily interfere with the impugned order, as it has been passed by total non-application of mind to Section 8(2) of the Arbitration and Conciliation Act, 1996, which the petitioners have satisfied while filing the application under Section 8 of the Arbitration and Conciliation Act, 1996.

8. For the foregoing reasons, the impugned order dated 18.12.2025 passed by the IV Assistant City Civil Court, Chennai, in I.A. No.1 of 2024 in O.S. No.6605 of 2023 is hereby set aside by this Court and this Civil Revision Petition is allowed. The dispute between the parties is referred to arbitration in accordance with the arbitration clause contained in the Loan Agreement dated 19.01.2022. No costs. Consequently, connected miscellaneous petition is closed.

02-07-2026



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The IV Assistant City Civil Court, Chennai.



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ABDUL QUDDHOSE J.

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