

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Arb.A.No. 18 of 2007 ()

AGAINST THE ORDER/JUDGMENT IN OP(ARB) 315/2006 of D.C. & SESSIONS
COURT,KOLLAM DATED 21-04-2007

APPELLANT/PETITIONER:

INDIAN MEDICAL ASSOCIATION,
KOLLAM WEST BRANCH, REPRESENTED BY THE SECRETARY
DR.ROY M., AGED 34, S/O.MANUAL ANCHALOSE
COMPANY KADAYIL, SAKTHIKULANGARA, KOLLAM.

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB (P)

RESPONDENTS/RESPONDENTS

1. INDIAN MEDICAL ASSOCIATION,
KERALA STATE BRANCH, IMA, HEAD QUARTERS
ANAYARA, THIRUVANANTHAPURAM
REP.BY THE STATE PRESIDENT, DR.C.K.CHANDRASEKHARAN
AGED 55 YEARS, 11/839, THUSHARAM
ROBINSON ROAD, MISSION COMPOUND, PALAKKAD-14.
2. DR.C.K.CHANDRASEKHARAN, AGED 55 YEARS,
STATE PRESIDENT, INDIAN MEDICAL ASSOCIATION, 11/839
THUSHARAM, ROBINSON ROAD, MISSION COMPOUND
PALAKKAD-14.
3. DR.RAMESH R., AGED 45 YEARS,
STATE SECRETARY, INDIAN MEDICAL ASSOCIATION
KERALA STATE BRANCH, RESIDING AT DEEPANJALI
THIRUVANGA P.O., TELLICHERRY.
4. DR.V.SASIDHARAN PILLAI,
SABARI, NEAR ANANDAVALLEESWARAM TEMPLE, KANAKATHUMUKKU
THIRUMULLAVARAM, KOLLAM.
5. K. SATHEESAN,
CHARTERED ACCOUNTANT, SREENIKETHAN
NEAR K.S.R.T.C. BUS STAND, PADA SOUTH, KARUNAGAPPALLY.

GOVT.PLEADER SMT. ROSE MICHAEL
R2 TO R5 BY ADV. SRI.O.V.RADHAKRISHNAN (SR.)
SRI.C.RAJENDRAN

THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON 06-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

kp/-

P.N.RAVINDRAN & ANU SIVARAMAN, JJ.

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Arb.A No. 18 of 2007

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Dated this the 6th day of July, 2015

JUDGMENT

P.N.Ravindran, J.

This appeal arises from the order passed by the Court of the District Judge of Kollam on 21.4.2007 in O.P.(Arb) No.315 of 2006. By that order, the Court of the District Judge dismissed an application filed by the appellant herein under section 9 of the Arbitration and Conciliation Act, 1996. Section 9 of the Arbitration and Conciliation Act, 1996 provides that a party may before or during arbitral proceedings or at any time after the making of the arbitral award but before it is enforced in accordance with section 36, apply to a court for the appointment of a guardian for a minor or a person of unsound mind for the purpose of arbitral proceedings; or for an interim measure of protection in respect of any of the matters enumerated there. Section 9 also empowers the court to grant any interim measure of protection as may appear to the court to be just and convenient.

2. The impugned order was passed on 21.4.2007. More than eight years have passed thereafter. The appellant has no case that arbitral proceedings have been initiated or an award has been passed.

Such being the situation, we are of the opinion that the instant appeal has become infructuous by efflux of time. Learned counsel appearing for the appellant submitted that though a letter was sent to the Secretary of the appellant association who had instructed to file the appeal, no reply is forthcoming.

In such circumstances this appeal is dismissed as infructuous.

**P.N.RAVINDRAN
JUDGE**

**ANU SIVARAMAN
JUDGE**

kp/-