

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

Arb.A.No. 26 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN OPARB 414/2014 of I ADDL.DISTRICT
COURT, ERNAKULAM DATED 30-07-2014

APPELLANTS/RESPONDENTS:

1. ASHA RAJAN, W/O. RAJAN,
AGED 38 YEARS, RESIDING AT INCHORA HOUSE,
MILMA ROAD, KUZHOOR P.O.,
MALA, THRISSUR - 680 734.
2. RAJAN I.,
S/O. DEVAKIAMMA,
AGED 46 YEARS,
RESIDING AT INCHORA HOUSE,
MILMA ROAD, KUZHOOR P.O.,
MALA, THRISSUR - 680 734.

BY ADVS.SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY

RESPONDENT/CLAIM PETITIONER:

M/S MUTHOOT VEHICLE AND ASSET FINANCE LTD.,
HAVING ITS REGISTERED OFFICE AT
MUTHOOT CHAMBERS,
KURIAN TOWERS, BAERJEE ROAD, ERNAKULAM AND PRESENTLY
ITS OFFICE AT 1ST FLOOR COCHIN DENTAL CLINIC BUILDING,
MARKET ROAD, KOCHI - 682 018
REPRESENTED BY ITS MANAGER (LEGAL) AND
POWER OF ATTORNEY HOLDER MRS. BABY SUJATHA, AGED 37 YEARS.

R BY SRI.C.S.MANILAL

THIS ARBITRATION APPEALS HAVING BEEN FINALLY HEARD ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**P.N.RAVINDRAN &
ANU SIVARAMAN, JJ.**
= = = = =
Arbitration Appeal No.26 of 2015
= = = = =
Dated this the 1st day of June, 2015

JUDGMENT

Ravindran, J.

This appeal arises from the order passed by the Court of the District Judge of Ernakulam on 30.07.2014 in O.P.(Arb) No.414 of 2014. When the appeal came up for hearing, learned counsel appearing for the appellant submitted that the appeal arises from an order passed by the District Court, Ernakulam under section 9 of the Arbitration and Conciliation Act, 1996, allowing an application for attachment filed by the respondent, that after the appeal was filed with a petition to condone the delay, the Arbitral Tribunal has passed an award, that the appellants have filed an application under section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award and in such circumstances, this appeal has become infructuous. Consequently this appeal is dismissed as infructuous.

P.N.Ravindran, Judge

Anu Sivaraman, Judge

**P.N.RAVINDRAN &
ANU SIVARAMAN, JJ.**
= = = = =
I.A. No.1688 of 2015
&
Arbitration Appeal No.26 of 2015
= = = = =
Dated this the 1st day of June, 2015

O R D E R

Ravindran, J.

We have by order passed today dismissed Arbitration Appeal No.26 of 2015 as infructuous. Consequently this application is dismissed as infructuous.

P.N.Ravindran,Judge

Anu Sivaraman, Judge

sj

**P.N.RAVINDRAN &
ANU SIVARAMAN, JJ.**
= = = = =
C.M.Application No.1515 of 2015
= = = = =
Dated this the 1st day of June, 2015

O R D E R

Ravindran, J.

The prayer in C.M.Application No.1515 of 2015 is to condone the delay of 62 days in filing Arb.A.No.26 of 2015. When the application came up for hearing, learned counsel appearing for the appellant submitted that the appeal arises from an order passed by the District Court, Ernakulam under section 9 of the Arbitration and Conciliation Act, 1996, allowing an application for attachment filed by the respondent, that after the appeal was filed with a petition to condone the delay, the Arbitral Tribunal has passed an award, that the appellants have filed an application under section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award and in such circumstances, this application has become infructuous. Consequently this application is dismissed as infructuous.

P.N.Ravindran, Judge

Anu Sivaraman, Judge

sj