

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(C).No. 327 of 2015 (O)

OP(ARBITRATION) NO.1050/2014 OF DISTRICT COURT, ERNAKULAM-III.

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PETITIONER(S):

**MAXIMUS MANI, S/O.P.M. BERLY,
AGED 39 YEARS, PANDIYALAKKAL HOUSE,
NEAR ST. JOSEPH'S CHURCH, OTTAMASSERY,
KADAKKARAPALLY VILLAGE, THAIKAL P.O.,
CHERTHALA-688 554.**

**BY ADVS.DR.V.N.SANKARJEE,
SRI.S.SIDHARDHAN,
SRI.V.N.MADHUSUDANAN,
SRI.PRATHAP. S.R.K.,
SMT.R. UDAYA JYOTHI,
SMT.M.SUSEELA.**

RESPONDENT(S):

- 1. NISHA NISHAD, W/O.NISHAD, AGED 29 YEARS,
KAVUNGUMKOOTTATHIL, SREE BALABHADRA DEVI
TEMPLE ROAD, ELAMAKKARA P.O., KANAYANNUR TALUK,
KOCHI-682 026.**
- 2. THE FEDERAL BANK LTD.,
PACHALAM BRANCH, REPRESENTED BY
THE BRANCH MANAGER, KOCHI-682 012.**
- 3. P.S.N. AGENCIES PVT. LTD.,
REPRESENTED BY THE MANAGING DIRECTOR,
33/184B & B1, OPPOSITE MODERN BREAD,
MAMANGALAM, KOCHI-682 025.**
- 4. N.D. JOSEPH ANTONY, S/O.N.P. DEVASSY,
42/1357-B, NEDUVELI HOUSE, MARKET ROAD,
KOMBARA, KOCHI-682 018.**
- 5. V.G. MARGRET, W/O.N.D. JOSEPH ANTONY,
42/1357-B, NEDUVELI HOUSE, MARKET ROAD,
KOMBARA, KOCHI-682 018.**

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**6. NISHAD K.H., S/O.HARIHARAN,
AGED 35, KAVUNGUMKOOTTATHIL,
SREE BALABHADRA DEVI TEMPLE ROAD,
ELAMAKKARA P.O., KANAYANNUR TALUK,
KOCHI-682 026.**

**7. SHAHUL HAMEED, AGED ABOUT 52,
PATHIASSERIL (H), ELAMAKKARA P.O.,
KOCHI-682 026.**

**8. J.K.B. MOTORS, PULINCHODU JUNCTION,
N.H. BYPASS, ALUVA, REPRESENTED BY
ITS MANAGING PARTNER.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 05-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ORIGINAL PETITION DATED 20/11/2014
OP(ARB.) NO.1050/2014 BEFORE THE DISTRICT COURT,
ERNAKULAM.
- EXT.P2 COPY OF THE I.A. NO.5438/2014 DATED 20/11/2014
OP(ARB.) NO.1050/2014 BEFORE THE DISTRICT COURT,
ERNAKULAM.
- EXT.P3 COPY OF THE I.A. NO.5437/2014 DATED 20/11/2014
OP(ARB.) NO.1050/2014 BEFORE THE DISTRICT COURT,
ERNAKULAM.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.BHAVADASAN, J.

O.P.(C) No. 327 of 2015

Dated this the 05th day of February, 2015

J U D G M E N T

The grievance of the petitioner in this original petition is that though two petitions have been filed before the learned District Judge under Section 9 of the Arbitration and Conciliation Act, they have not been disposed of so far causing prejudice to the petitioner.

2. The petitioner moved the District Court, Ernakulam under Section 9 of the Arbitration and Conciliation Act seeking interim relief. He filed two applications; one for issuance of a Commission and the other for injunction. The learned counsel for the petitioner points out that those petitions have been kept pending and no orders have been passed so far causing irreparable loss and injury to the petitioner. The petitioner points out that the very purpose of filing the interlocutory application in an arbitration proceedings is for expeditious and speedy relief

so as to protect the subject matter of the proceedings.

3. In the nature of the order that is propose to be passed, it is felt that notice to the respondents is unnecessary.

This petition is disposed of directing the District Court, Ernakulam to take up O.P.(Arb.)No. 1050/2014 and dispose of the two I.A.s namely I.A.No.5437/2014 and I.A.No.5438/2014 as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge