

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

OP(C).No. 673 of 2015 (O)

I.A. NO.1676/2014 IN OP(ARB) NO.1218/2014 OF DISTRICT COURT, ERNAKULAM.

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PETITIONER(S):

**MUTHOOT VEHICLE AND ASSET FINANCE LIMITED,
FORMERLY KNOWN AS MUTHOOT LEASING AND
FINANCE LIMITED, KURIAN TOWERS,
OPPOSITE SARITHA THEATRE, BANERJI ROAD,
ERNAKULAM, REPRESENTED BY ITS POWER OF
ATTORNEY HOLDER MADHU E., AGED 38 YEARS,
S/O. KELAPPAN, EDAVATH HOUSE, KARAYAD P.O.,
MEPPAYUR VIA, CALICUT.**

**BY ADVS.SRI.C.S.MANILAL,
SRI.S.NIDHEESH.**

RESPONDENT(S):

**1. THOMAS P.A., PALIATHUSSERY HOUSE,
KUNJITHAI, VADAKKEKARA P.O.,
NORTH PARAVUR, ERNAKULAM-683 522.**

**2. MARY AUGUSTINE, W/O. AUGUSTINE,
PALIATHUSSERY HOUSE, KUNJITHAI
VADAKKEKARA P.O., NORTH PARAVUR,
ERNAKULAM-683 522.**

**BY ADVS. SRI.SHAIJAN C.GEORGE,
SMT.S.REKHA KUMARI,
SRI.M.T.AJITH,
SMT.SAJITHA GEORGE.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 25-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP(C).No. 673 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : COPY OF THE CLAIM PETITION DTD. 02.08.2011.**
- P2 : COPY OF THE AWARD OF THE ARBITRATOR DTD. 03.12.2011.**
- P3 : COPY OF THE PETITION FILED U/S.34 OF THE ARBITRATION AND CONCILIATION ACT, 1996.**
- P4 : COPY OF THE PETITION FILED U/S.5 OF THE LIMITATION ACT.**
- P5 : COPY OF THE ORDER IN IA.1676/2014 IN OP(ARB)NO.1218/14 DTD. 20.12.2014.**
- P6 : COPY OF THE ORDER IN OPC NO.362/2015 DTD. 09.02.2015.**
- P7 : COPY OF THE OBJECTION IN I.A.1676/2014 ON THE FILE OF DISTRICT COURT, ERNAKULAM DATED 04/08/2014.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. ABRAHAM MATHEW, J.

O.P.(C)No.673 of 2015

Dated this the 25th day of September, 2015

J U D G M E N T

Petitioner has obtained an arbitration award in his favour against the respondents. The respondents filed IA.No.1676 of 2014 along with an O.P in District Court, Ernakulam. In the O.P the respondents want to challenge the correctness of the award. An IA was filed to condone the delay in filing the O.P. By Ext.P5 order the learned district Judge has allowed the I.A. This is challenged.

2. Heard.

3. The learned District Judge came to the conclusion that the petitioner in this O.P failed to produce any evidence to prove that signed copy of the award was served on the respondents, which is the reason why it allowed the I.A. filed for condonation of the delay. I do not find any illegality or irregularity or error in the order passed by the learned District Judge.

In the result, this O.P is dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge