

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP(C).No. 1126 of 2015 (O)

ARBITRATION O.P.NO.54/2014 OF ADDITIONAL DISTRICT COURT-V, ERNAKULAM

PETITIONER(S) :

**M/S. SHRIRAM TRANSPORT FINANCE COMPANY LIMITED,
FIRST FLOOR, KANNANPARAMBAN BUILDING, MUDAVOOR P.O.,
VAZHAPILLY, MUVATTUPUZHA,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER
RAJU THOMAS.**

**BY ADVS.SRI.C.HARIKUMAR
SMT.C.B.ANUROOPA**

RESPONDENT(S) :

**1. PRATHEESH ANTONY,
S/O.ANTONY, AVARIPPADU HOUSE, NERIAMANGALAM P.O.,
KOTHAMANGALAM-686 693.**

*** 2. JOY M.A.,
S/O.ANTONY, 107 A, MEKKUNNEL,
DEVIKULAM, THODUPUZHA-685 613.(DELETED).**

*** RESPONDENT 2 IS DELETED FROM THE PARTY ARRAY AT THE RISK OF
THE PETITIONER AS PER ORDER DATED 05.06.2015 IIN I.A.NO.7386 OF 2015.**

**R1 BY ADVS. SRI.P.B.AJOY
SRI.T.M.DOLGOVE
SMT.M.NEEMA**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 1126 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : A TRUE COPY OF THE INTERIM ORDER OF THE ARBITRATOR
 DATED 10-12-2013 IN A.C.NO.3 OF 2013.**

**EXT P2 : A TRUE COPY OF THE ORDER IN ARBITRATION
 O.P NO.54 OF 2014 OF THE COURT OF ADDITIONAL DISTRICT
 JUDGE V, ERNAKULAM DATED 15-01-2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
O.P.(C) No.1126 of 2015
.....

Dated this the 3rd day of July 2015

J U D G M E N T

Arbitration proceedings are going on in the matter. The matter relates to vehicle bearing Reg. No.KL-17D-282. The registered owner, who is the hirer, has applied before the Arbitrator for an interim order under Section 17 of the Arbitration and Conciliation Act, 1996 for directing the defendant Company, who is the petitioner herein to issue a No Objection Certificate for the renewal of the permit. The Arbitrator has dismissed the application. Against that, an appeal was filed before the District Court, Ernakulam as Arbitration O.P.No.54 of 2014 under Section 37(2)(b) of the Arbitration and Conciliation Act. The court below has allowed the application through Ext.P2 order, which is presently under challenge.

2. Heard the learned counsel for the petitioner and

the learned counsel for the respondent.

3. On going through the impugned order and on hearing either side, this Court does not find any irregularity, illegality or jurisdictional error in the matter. It seems that the legitimate right of the party was turned down by the Arbitrator without any rhyme or reason. The respondent has filed an appeal under Section 37(2)(b) of the Act and the court below is empowered to pass such an order. Defendant cannot say that they will not issue 'No Objection Certificate' for the renewal of the permit of the vehicle while arbitration proceedings are going on. There is absolutely nothing to interfere with the order passed by the court below. Hence, this petition is only to be dismissed.

In the result, this Original Petition is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge