

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. 1823 of 2014 (O)

OS (ARB.). NO. 242/1986 OF PRL. SUB COURT, THIRUVANANTHAPURAM.

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PETITIONER(S):

**SOBITA PRASAD, S/O.B. NESAN, AGED 61 YEARS,
CONTRACTOR, MARIYALLOOR VEEDU,
VAZHATHOOR, NEYYATTINKARA,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SABU S.KALLARAMOOLA.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE EXECUTIVE ENGINEER,
IRRIGATION DIVISION, THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SRI.REJI JOSEPH.

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

rs.

OP(C).No. 1823 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: COPY OF JUDGMENT IN OP(C) 318/2013.
- P2: COPY OF MEMO DATED 20.05.2013.
- P3: COPY OF AFFIDAVIT DATED 20.08.2013.
- P4: COPY OF I.A.NO.1992/14 IN O.S.(ARB)NO.242/1986 OF
PRINCIPAL SUB COURT, TRIVANDRUM.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.BHAVADASAN, J.

O.P.(C) No. 1823 of 2014

Dated this the 05th day of February, 2015

J U D G M E N T

A similar situation as obtained in O.P.(C)No. 1725/2014 is available in this case also. Aggrieved by the non availability of the documents before the court below to be forwarded to the arbitrator and the consequent difficulties caused, the petitioner had approached this Court by way of O.P.(C)No. 318/2013 seeking appropriate reliefs. That O.P. was also disposed of along with O.P.(C)No.303/2013, the details of which has already been referred to while disposing of O.P.(C)No. 1725/2014.

2. However, in this proceedings, the documents so produced by the petitioner as observed by this Court have not been sent to the arbitrator and so also a petition filed by the petitioner for correction of the name of the party is also kept pending by the court below.

3. In the light of the common order passed by this Court, there was nothing wrong in the petitioner producing

the documents made mention of by him in Ext.P2 and requesting the court to forward them to arbitrator. This Court has clearly observed in its earlier order that if the petitioner produces his documents, they may be forwarded to the arbitrator who is to consider about its acceptability. Therefore, the court should have forwarded his documents and should have allowed the correction petition also since there is no prejudice caused to the respondent by the correction sought for by the petitioner.

In the result, this original petition disposed of directing the court below to forward the documents produced as per Ext.P2 memo to the arbitrator after effecting correction as per the correction petition sought for by the petitioner. It is unnecessary to mention that it is for the arbitrator to consider the acceptability and non acceptability of the documents.

**P.BHAVADASAN
JUDGE**

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