

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4576 of 2015

S.Kuppusamy

.. Petitioner/Cross-Objector

Vs.

1.Shanmugasundaram
Arbitrator and Superintending Engineer
Highways and Rural Works
Coimbatore.

.. 1st Respondent/Arbitrator

2.Superintending Engineer
Highways and Rural Works
Chepauk (Madras)
Chennai.

3.The Executive Engineer
Highways and Rural Works
Chengam.

.. 2nd and 3rd Respondents/Petitioners

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, for the speedy disposal of the cross objection in AOP No.54 of 1998 on the file of the Principal Sub-Court, Tiruvannamalai.

For Petitioner : Mr.S.Ambigapathi

ORDER

Civil Revision Petition is filed seeking direction to the Principal Sub-Court, Tiruvannamalai, to dispose of the cross objection in AOP No.54 of 1998 pending on its file as expeditiously as possible on merits in accordance with law.

2.Learned counsel for the revision petitioner submitted that the revision petitioner herein is a Contractor and he was the successful bidder for constructing a bridge. Since there was a dispute arose between the revision petitioner and the Highways and Rural Works Department/respondents 2 and 3, the matter was referred to the Arbitrator and award has been passed. Against that award, the respondents 2 and 3 herein have filed a petition in A.O.P.No.54 of 1998 before the Principal Sub-Court, Tiruvannamalai, in which, the revision petitioner/Contractor has filed Cross Objection, wherein an exparte order has been passed against the Arbitrator/first respondent herein. Against the same, the revision petitioner herein has preferred an appeal in A.S.No.6 of 2010 before the District Court, Tiruvannamalai and the same was allowed and the matter was remanded back to the Principal Sub-Court,

Tiruvannamalai for fresh disposal and the learned Judge, Principal Sub-Court, Tiruvannammalai, was directed to dispose of cross objection in A.O.P.No.54 of 1998 within a period of three months from the date of receipt of a copy of that order. He further submitted that without disposing the cross objection in A.O.P.No.54 of 1998, the case has been transferred to the Sub-Court, Arni, wherefrom, it was returned back to the Principal Sub-Court, Tiruvannamalai. The revision petitioner, who is the Contractor, is now 83 years old and he was forced to run from pillar to post. Therefore, he prayed for early disposal of the cross objection in A.O.P.No.54 of 1998.

3.Considering the limited nature of the relief as sought for herein, notice to the respondents is dispensed with.

4.In view of the submissions made by the learned counsel for the revision petitioner and on perusal of the typed set of papers, it is a fit case to give a direction to the trial Court to dispose of the Cross Objection in A.O.P.No.54 of 1998 as early as possible. Accordingly, the learned Judge, Principal Sub-Court, Tiruvannamalai, is directed to dispose of the Cross Objection in A.O.P.No.54 of 1998

R.MALA,J.

kj

within a period of two months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is disposed of. No costs.

09.12.2015

kj

To

The Principal Sub-Court, Tiruvannamalai.

C.R.P(PD).No.4576 of 2015