



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2015

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

CRP(MD).No.25 of 2015

B.K. Saravanapandiayan

: Petitioner

Vs.

1. M/s. Citicorp Finance (India) Ltd.,
rep. through its Manager,
1st Floor, Angson Centre,
153, Greens Road, Near Thousand Light,
Chennai - 6

2. Madan Mohan

3. B.K. Prabhakaran

: Respondents

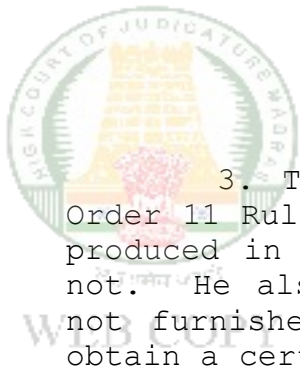
Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to call for the records pertaining to the impugned return order dated 12.12.2014 in copy application C.A. No.8499 in E.P.No.200/2012 in CP.No.10/2007 on the file of the learned Additional District Judge, Dindugal to issue certified copy as mentioned therein and to set aside the same and consequently direct the learned Additional District Judge, Dindugal to issue certified copy as mentioned therein.

For Petitioner: Mr.V.A.Dhana Aravindha Balaji

O R D E R

This Civil Revision Petition is filed against the order of the learned Additional District Judge, Dindugal returning the copy application in A.No.8499 of 2014 dated 12.12.2014 in E.P.No.200 of 2012.

2. The petitioner herein suffered an arbitral award in C.P.No.KSG CC FIL/10/2007. The Decree Holder has filed an Execution Petition in E.P.No.200 of 2012 for committing the petitioner to civil proceeding for realization of the award amount. The petitioner herein who is the judgment debtor had applied for the certified copy of the arbitration award for the purpose of referring petition under Section 34 of Arbitration Act, to set aside the award, before the Additional District Judge, Dindigul. The said copy application was returned with an endorsement that "Original Award copy not filed only certified copy of award filed at the time of filing the Execution Petition. Hence, certified copy of the award cannot be complied for issuing certified copy".



3. The learned counsel for the petitioner submitted that as per Order 11 Rule 15 of CPC the parties are entitled to a copy of the document produced in a Court, whether the document has been marked as evidence or not. He also further submitted that the copy of the original award was not furnished to him by the arbitral Tribunal. Therefore, he wanted to obtain a certified copy from the Execution Court to challenge the award.

4. I find merit in the submission of the learned counsel for the petitioner. Hence, without reference to the purpose for which the copy is sought for, the learned Additional District Judge, Dindugal District is directed to furnish the certified copy of the award for C.P.No.10 of 2007 to the petitioner.

5. With the above direction, this Civil Revision Petition is disposed of. The Registry is directed to return the original copy application filed with the revision to the counsel to enable him to receive the certified copy. No costs.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

The Additional District Judge, Dindugal

Copy to:

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

(To return the Original copy application filed with the revision to the counsel)

+1cc to Mr. DHANA LAW ASSOCIATES Advocate in SR.No. 1645

TS/20.02.2015/2P-4C

CRP (MD) .No.25 of 2015

13.01.2015