

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.4275 of 2015

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ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the respondent in A.O.P.No.1 of 2013, aggrieved by the order and decree dated 12.08.2015 in I.A.No.407 of 2014 in A.O.P.No.1 of 2013 passed by the II Additional District Judge, Adoni, Kurnool District, allowing the application filed by respondent Nos.3 to 5 herein under Section 5 of the Limitation Act, seeking to condone the delay of 2025 days in filing an application to bring the legal representatives of the deceased petitioner No.2 on record in A.O.P.No.1 of 2013.

2. The petitioner is respondent and the respondents are petitioners in I.A.No.407 of 2014 in A.O.P.No.1 of 2013. For the sake of convenience, the parties are referred to as they are arrayed in I.A.No.407 of 2014 in A.O.P.No.1 of 2013.

3. Petitioner Nos.1 and 2 have filed A.O.P.No.1 of 2013 on the file of the II Additional District Judge, Adoni, Kurnool District, challenging the Award dated 17.03.2008 passed by the learned Arbitrator under the provisions of the Arbitration and Conciliation Act, 1996. In the aforesaid Award, the advance amount of Rs.14,00,000/- paid by petitioner Nos.1 and 2 was ordered to be refunded to them by the respondent. There is no individual liability determined in the Award. As petitioner No.2 died during the pendency of proceedings, petitioner Nos.3 to 5 have filed an application being I.A.No.407 of 2014 in A.O.P.No.1 of 2013 under Section 5 of the Limitation Act to condone the delay of 2025 days in filing application to bring the legal

representatives of the deceased petitioner No.2 on record and the said application was allowed through the impugned order dated 12.08.2015. Hence, the present civil revision petition.

4. Sri V. Hari Haran, learned counsel for the petitioner/respondent contends that without recording satisfactory reasons, the Court below has condoned the delay.

5. We have heard learned counsel for the petitioner/respondent and perused the Award dated 17.03.2008 passed by the learned Arbitrator.

6. In the aforesaid Award, there is no order in favour of the respondent fixing individual liability against petitioner Nos.1 and 2. Since petitioner No.2 died during the pendency of proceedings, even if the claim of petitioner No.2 is dismissed as abated, still, petitioner No.1 can contest the matter.

7. Further, in the affidavit filed in support of I.A.No.407 of 2014 in A.O.P.No.1 of 2013, it is stated petitioner No.2 died leaving petitioner No.3, who is his wife, and petitioner Nos.4 and 5, who are sons, who are studying during the relevant point of time. Therefore, having regard to the reasons stated, we are of the view that by allowing the application filed by petitioner Nos.3 to 5, no prejudice is caused to the respondent.

8. In the absence of any individual liability fixed in the Award dated 17.03.2008 against petitioner Nos.1 and 2, as respondent No.1 can still contest A.O.P.No.1 of 2013, seeking invalidation of the said Award, having regard to the reasons stated in the impugned order dated 12.08.2015, we are of the view that the said reasons do constitute sufficient reasons and no interference is called for in this civil revision petition.

9. Accordingly, this civil revision petition is dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

12.10.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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12.10.2015

Msr

