

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.1103 of 2017
and C.M.P.No.5324 of 2017

K.Chandrasekaran

... Petitioner

Vs.

1.The Competent Authority and
the District Revenue Officer (L.A.) N.H.7 Road
Collectorate Complex
Namakkal.

2.The Special Tahsildar (L.A.)
Collectorate Complex
Namakkal.

3.The District Collector and Sole Arbitrator (L.A)NH7
Having Office at Collectorate Office Complex
Namakkal.

4.The Project Director
National Highways Authority of India
Door No.212-3/D3-1, Sri Nagar Colony
Nasasothipatti
Salem.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to number the unnumbered I.A.SR.No.877 of 2017 in A.O.P.No.59 of 2014 on the file of the Principal District Judge, Namakkal.

For Petitioner : Mr.I.Abrar Md.Abdullah

ORDER

Challenging the order dated 07.02.2017 passed by the Principal District Judge, Namakkal in the unnumbered application in I.A.No.____of 2017 in A.O.P.No.59 of 2014, the claimant has filed the above civil revision petition.

2. Aggrieved over the award passed by the Arbitrator in Na.Ka.No.12250/2009/Case No.59/2011/Arbitration dated 19.07.2013, the claimant has filed the Arbitration O.P. in 59 of 2014. In the said Arbitration O.P., the petitioner/claimant filed the unnumbered application to let in oral evidence and mark additional documents. The Principal District Court, Namakkal returned the application raising a query with regard to the maintainability of the application. In the order dated 07.02.2017, the Principal District Judge, relying upon a judgment reported in **2016 (4) TLNJ 590 (Civil) [The Superintending Engineer, Tirunelveli-2 & another vs. Thomas, K.A. Government Engineering Contractor & another]** held that in Arbitration O.P., additional evidence cannot be allowed. The finding of the trial Court that in Arbitration O.P. additional document cannot be allowed is just and proper. However, I am of the view that the Principal District Judge, Namakkal can consider the documents submitted by the claimant before the Arbitrator, while deciding the Arbitration O.P.

3. Accordingly, I direct the Principal District Judge, Namakkal to consider all the documents submitted by the revision petitioner before the Arbitrator while deciding the Arbitration O.P.No.59 of 2014. The Principal District Judge is directed to consider all the documents and decide the Arbitration O.P. on merits and in accordance with law.

With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes

22.03.2017

NOTE TO OFFICE:

Issue order copy on 23.03.2017
To

The Principal District Judge, Namakkal.

M.DURAIWAMY,J.
Gms

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