

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

CMA.NO.1986/2017
& CMP.No.10711/2017

N.R.N.Needhimohan ... Appellant/Respondent

..Vs.

Mrs.Rani Raju ... Respondent/Petitioner

PRAYER:- Appeal filed under section 37(1) & 2 of Arbitration and Conciliation Act, to set aside the order and decretal order passed in Arbitration O.P.No.31/2013 dated 28/02/2017 on the file of the District Court, Thiruvarur.

For Appellant : Mr.K.M.Subrahmaniam

For Respondent : --

JUDGMENT

The present appeal has been filed under Section 37(1) challenging the order of the learned District Judge, Thiruvarur made in O.P.No.31/2013 in and by which, the District Judge has chosen to appoint an arbitrator purportedly under Section 8 of the Arbitration Aand Conciliation Act 1996.

2. The appeal under section 37(1) of the Arbitration Act can be filed only against an order made under Section 9 of the said Act or under Section 34 setting aside or refusing to set aside an award. Therefore, the present appeal filed against an order made under Section 8 is not maintainable. Hence, the appeal is rejected as not maintainable. It is open to the petitioner to canvas the correctness of the order challenged in this appeal by way of revision under Article 227 of the Constitution of India.

3. The Registry is directed to return the certified order copy made in O.P.No.31/2013 to the learned counsel for the appellant to enable him to file a revision. No costs. Consequently, Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KP

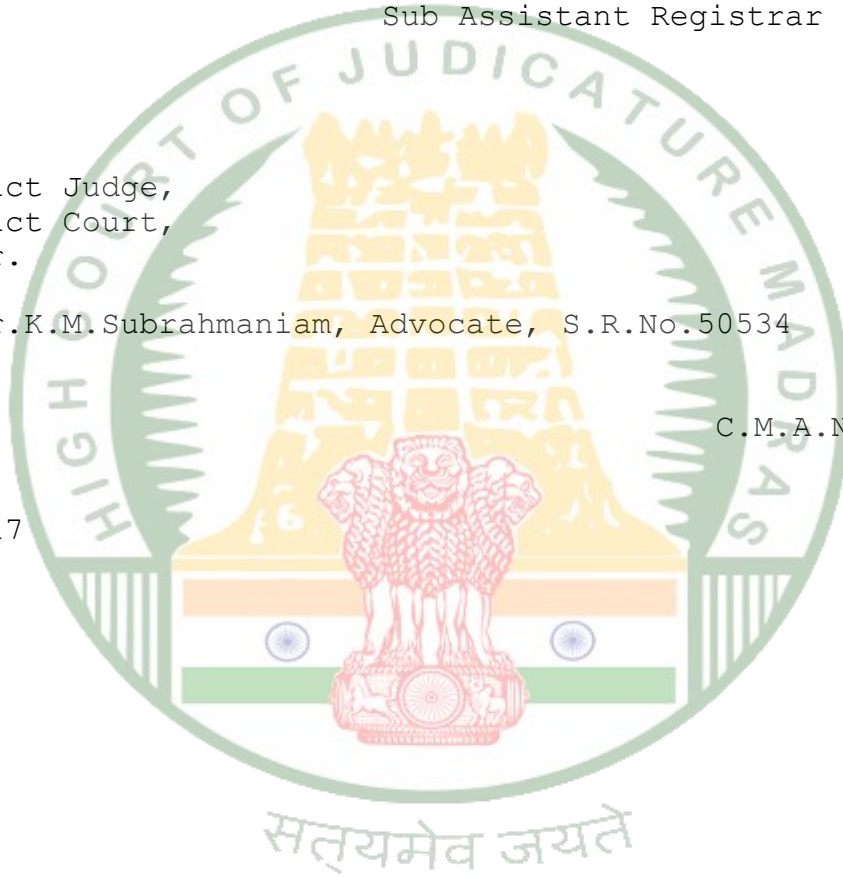
To

The District Judge,
The District Court,
Thiruvarur.

+1cc to Mr.K.M.Subrahmaniam, Advocate, S.R.No.50534

C.M.A.No.1986/2017

GJ(CO)
CS/02/08/17



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