

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2017

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

Original Petition No.170 of 2012

A.Periyasamy

.. Petitioner

Vs.

1.C.Jayalakshmi

2.K.Rajaram,
Advocate and Sole Arbitrator,
Arbitral Tribunal,
Cheran Towers,
Coimbatore - 641 018.

.. Respondents

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the Award dated 26.11.2011 passed by the Sole Arbitrator in Petition No.10 of 2011.

सत्यमेव जयते

For Petitioner : Mr.V.Bhiman

For Respondents : Mr.N.V.Prasanna
for M/s.Sai, Bharath and Ilan
for R1

ORDER

Seeking to set aside the award dated 26.11.2011, the present Original Petition has been filed.

2.The award has emanated from the spurious proceedings initiated by the sole Arbitrator against whom the proceedings have been initiated including under the Criminal Law. Suffice it to state, as fairly submitted by the learned counsel for the petitioner, the arbitration proceedings have been initiated by a person without authority. When that is the position, the original petition filed by the petitioner is not maintainable since he himself was the claimant. There is no need to exercise the power under Section 34 of the Arbitration and Conciliation Act as the claim itself is not maintainable.

3.In such view of the matter, the original petition stands dismissed. No costs.

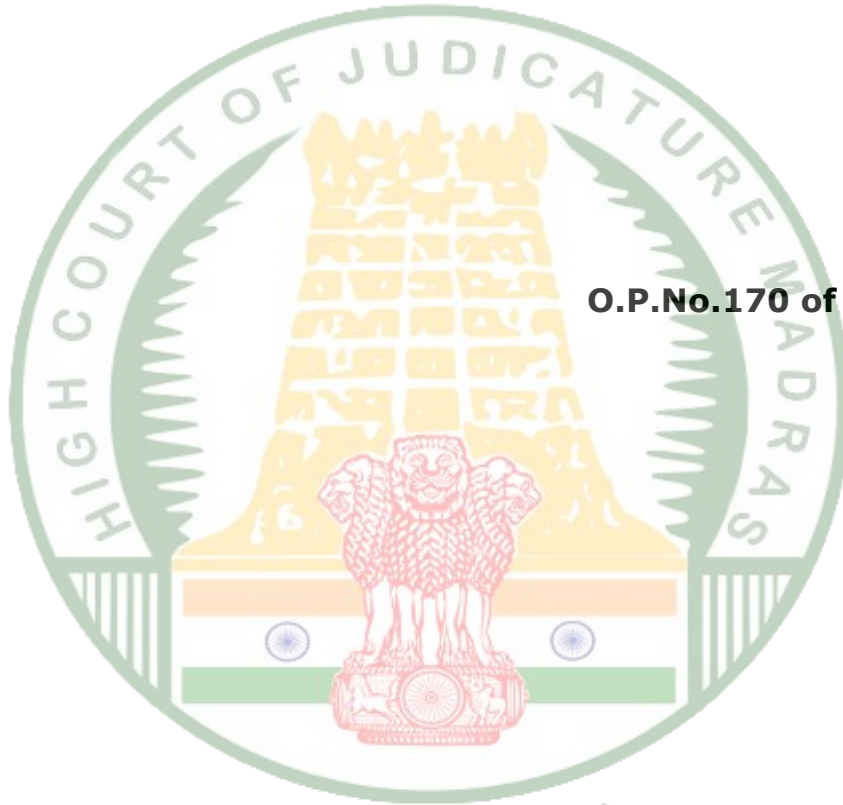
WEB COPY

08.11.2017

Index:Yes/No
mmi

M.M.SUNDRESH,J.

mmi



O.P.No.170 of 2012

सत्यमेव जयते

08.11.2017

WEB COPY