

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE N. BALAYOGI

CIVIL REVISION PETITION No. 3589 of 2017

ORDER: (*Per VRS,J*)

The petitioner has come up with the above revision, under Article 227 of the Constitution, challenging the very arbitration proceedings initiated by the respondent herein.

2. Heard Mr. K.L.N. Swamy, learned counsel for the petitioner.

3. The short ground, on which the petitioner has come up with this revision, is that the claim before the arbitrator was time barred one and that the same ought not to have been entertained. But, it is well settled that limitation is a mixed question of fact and law. The petitioner should file a written statement and raise all objections and invite an award, only after which, he can take recourse to the legal remedies.

4. This Court does not exercise supervisory jurisdiction in the strict sense of the term over all arbitration proceedings, to enable this Court to strike off the claim petition before the arbitrator. The arbitrator himself under Section 16 has the power to determine his competence. Therefore, leaving it open to the petitioner to raise all objections to the issue of jurisdiction and limitation before the arbitrator himself, the Civil Revision Petition is dismissed.

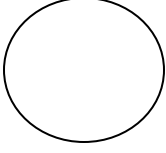
Consequently, miscellaneous petitions if any pending in the revision shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

25th July, 2017
cbs





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C.R.P.No.3589 of 2017
(dismissed)

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+C.R.P.No. 3589 of 2017

% 25-07-2017

Nanneti Yacobu

.. Petitioner

Vs.

\$ M/s. Sriram City Union Finance Limited,
Ganapavaram, W.G.Dt.

.. Respondent

<GIST:

>HEAD NOTE:



! Counsel for petitioner : Mr. K.L.N. Swamy

^ Counsel for respondent : None

? CASES REFERRED : ----