

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 11TH DAY OF JANUARY 2018

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

A. No.2240 of 2017

in

O.P. No.151 of 2017

In the matter of Section 34
of Arbitration and
Conciliation act, 1996

and

In the matter of dispute
arising out of Agreement
dated 16.08.2013 between
Shriram Transport Finance
Company Ltd., and Mrs.Renuka
Devi and Mr.V.Muthu Malai.

Mrs.Renuka Devi,
W/o.Pandian,
D.No.2, Main Road,
Perunkulam, Srivaikundam-628 752. ... Applicant/Petitioner

-Versus-

1. Shriram Transport Finance Company Ltd.,
rep. by its Authorised representative,
No.4, Desiga Road, Mylapore,
Chennai-600 004.
2. Mr.V.Muthu Malai,
No.9/11B, Tiruchendur Street,
Earal, Srivaikundam-628 801. ... Respondents/Respondents

Application praying that this Hon'ble Court be pleased
to stay the award and all further proceedings against the
award dated 30.01.2016 passed in the Arbitration Case
No.959 of 2015 pending disposal of the O.P. No.151 of 2017.

This application coming on this day before this court
for hearing the court made the following order:

The applicant is the borrower. For the alleged non-

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payment, pursuant to the agreement entered into between the

parties inter se, the arbitration clause was invoked. Thereafter, an award was passed against the applicant.

2.Learned counsel appearing for the applicant would submit that the learned Arbitrator passed an award without affording an opportunity. The learned Arbitrator, after receiving notice of date of hearing, passed an award thereafter without affording further opportunity. It is further submitted that copy of the claim petition and documents have not been served on the applicant.

3.Despite notice having been served, there is no representation for the respondents. It appears, the counsel who appeared for the respondents earlier, reported no instructions thereafter. Though the name of the counsel is printed in the cause list, no vakalat has been filed on behalf of the respondent.

4.Considering the above and in the light of the submissions made, this Court is constrained to make the interim order granted earlier absolute. Accordingly, this application is allowed.

Post the original petition for final hearing on 19.02.2018.

Sd/M.M.S.J

11.01.2018

//Certified to be a true copy//
Dated this the day of 2019.

SU/17.10.2019

COURT OFFICER