



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24th DAY OF JULY 2018

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.234 of 2014

In the matter of Arbitration
& Conciliation Act, 1996
between Phoenix Aset
Reconstructions Company
Private Limited and
Karuppayah Piraman

Karuppayah Piraman-70 years,
S/o.Piraman,
8/2, Krishna Villas Pertho Street,
Royapettah, Chennai-600 014.

... Petitioner

-Versus-

1. Phoenix Asset Reconstruction Company Pvt. Ltd.,
having its registered office
at 7th Floor, Dani Corporate Park,
158, CST Road, Kalina, Santacruz(e),
Mumbai-400 098
acting in its capacity as the
trustee of Phoenix Trust
FY 13-1 scheme C
2. Mr.Prakashi Kashinath Husing (Retired Judge),
Shop No.4, Durgachaya Apartment, Navghar,
1st lane Mulund (E), Mumbai-400 081. ... Respondents

Original Petition praying that this Hon'ble Court be
pleased to set aside the award dated 30.12.2013 passed by
the 2nd respondent in Phoenix-Barclays/PI/Lots/27/2013.

This Original Petition coming on this day before
this court for hearing in the presence of Mr.V.Kadhirvelu,
advocate for the petitioner herein and respondents 1 & 2
herein not appearing in person or by advocate and upon
reading the petition and the award dated 30.12.2013 filed
herein, and this Court observing that no document has been
produced by the petitioner to dispute the claim made by the



first respondent against the petitioner, the details of the payments made by the petitioner to the first respondent has also not been given in the instant petition and from these facts it is made clear that the petitioner is a defaulter under the loan agreement with the first respondent and therefore, this Court finds that there is no merit in the instant petition filed by the petitioner and the scope of Section 34 of Arbitration and Conciliation Act, is very limited, unless and until the findings of the Arbitrator are perverse, arbitrary, illogical or irrational, this Court cannot interfere under Section 34 of the Act and this Court finds no perversity or patent illegality in the Arbitral Award, and this Court is of the considered view that there is no merit in the petition filed by the petitioner, it is ordered as follows:-

That the O.P. No.234 of 2014 be and is hereby dismissed.

2. That there shall be no costs.

WITNESS THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 24th DAY OF JULY 2018.

Sd./-

ASSISTANT REGISTRAR(O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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O.P. No.234 of 2014

ORDER

DATED: 24.07.2018

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL:13/08/2018

APPROVED ON:14/08/2018