

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No. 3931 of 2017
and C.M.P.No.18377 of 2017

1.M.Suganthi
2.A.M.N.Mumoorthy Petitioners

Vs.

1.The Arbitrator for Central Madras,
Chit Funds Cases
Chennai-600 001.

2.Sree Gokulam Chit & Finance Co.(P)Ltd.,
No.49,Arcot Road,
Kodambakkam,
Chennai-600 024. ... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the 1st Respondent to permit the petitioners to cross examine the witnesses of the Respondent in A.R.C.No.156 of 2015 pending on the file of the 1st Respondent-Arbitrator for Central Fund Chit Cases, Chennai.

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For Petitioners : M/S.Sai Bharath and Ilan

For Respondents : No appearance

ORDER

The relief sought for in this revision petition is to direct the 1st Respondent to permit the petitioners to cross examine the witnesses of the respondent in A.R.C.No.156 of 2015 on the file of the 1st Respondent-Arbitrator for Central Fund Chit Cases, Chennai.

2. Notice was duly served on the respondents and the name of the respondent counsel is also printed in the cause list. None appeared on behalf of the respondents.

3. Heard the learned counsel for the petitioners.

4. The learned counsel for the petitioners would submit that, the 2nd respondent filed an application under Section 64 and Rule 45 of the Chit Fund Act in A.R.C.No.156 of 2015 before the learned Arbitrator for Central Chennai Chit Fund Cases Court, Chennai-1 for recovery of money.

5. The matter was referred to the arbitrator under Section 64 of the Tamil Nadu Chit Fund Act. When the matter was pending before the arbitrator, the revision petitioners filed proof affidavit for cross examination

of Mr.N.Kannan, Assistant Manager of the Disputant company before the learned Arbitrator, Chennai North Chit Fund Cases court, Chennai.

6. In that proof affidavit, they seek a direction for permission to cross examine the witnesses. The Arbitrator did not give opportunity and he has not passed any order. At the same time, he orally stated that no provision for giving opportunity for cross examination. Therefore, the revision petitioner is before this Court by way of this revision.

7. Admittedly in this case, the respondents filed the application in A.R.C.No.156 of 2015 on the file of the learned Arbitrator for Central Chennai Chit Fund Cases Court, Chennai-1, the respondents had filed the proof affidavit for each witnesses. When the revision petitioner filed an application to permit him to cross examine the witnesses, the first respondent /Arbitrator has denied the opportunity that there is no provision. The learned counsel for the petitioner referred to the Rule 49 of the Tamil Nadu Chit Fund Rules 1984, which clearly says as follows:

Procedure for hearing and decision of disputes-1) The Registrar of his nominee shall record in his official language in vogue in the State, the evidence of the parties to the dispute

and the witnesses who attend. Upon the evidence so recorded and upon consideration of any documentary evidence produced by the parties, a decision shall be given by him in writing. Such decision shall be pronounced in the open Court, either due notice shall be given to the parties.

8. From the above said Rule, it is clear that the arbitrator should record the evidence including both chief examination and cross examination, hence the Arbitrator is directed to give an opportunity to the revision petitioner and dispose of the case after giving due opportunity to both the parties in accordance with law.

9. With the above direction, this civil revision is disposed of. Consequently, the connected Miscellaneous petition is closed.

08.06.2018

Index:Yes/No
Speaking order / Non speaking order
vum

To

The Arbitrator for Central Chennai,
Chit Fund Cases Court, Chennai-1

P.VELMURUGAN, J.,

vum



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