



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 30th DAY OF JULY 2018

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.587 of 2011

In the matter of Arbitration
and Conciliation Act, 1996
and

In the matter of Award dated
22.08.2007 in Claim Petition
No.HT004062H of 2006

1. Om Prakash,
H. No.286, V.P.O.Chhara,
Teh-Bahadurgarh, Jhajjar District,
Pin-3333 304.

2. Vedprakash (Since died),
H. No.760, V.P.O.Chhara,
Teh-Bahadurgarh, Jhajjar District,
Pin-3333 304.

... Petitioners

-Versus-

1. M/s.Ashok Leyland Finance,
a Division of IndusInd Bank Limited,
rep. by Sri.V.Govindarajan,
No.86, Chamiers Road,
Alwarpet, Chennai-600 018.

2. Mr.S.K.Srinivasan,
Sole Arbitrator,
No.2, (Old No.16),
Eighth Street, Dr.Radhakrishnan Road,
Mylapore, Chennai-600 004.

... Respondents

Original Petition praying that this Hon'ble Court be
pleased to set aside the award passed by the second
respondent in arbitration proceedings in the Claim Petition
No.HT004062H of 2006 dated 22.08.2007.

This Original Petition coming on this day before
this court for hearing in the presence of
Mr.S.Senthilnathan, advocate for the petitioners herein and
Mr.K.Moorthy, advocate for the 1st respondent herein and



upon reading the petition and the award dated 22.08.2007 filed herein and this court observing that the first petitioner is a defaulter under the loan agreement entered into with the 1st respondent and therefore the statements made by the first petitioner at this stage, that too, after more than six years from the date of filing of the instant petition cannot be believed by this Court, and there is no illegality in the arbitral award, therefore, this court is of the considered view that there is no merit in the instant petition and the scope of interference under Section 34 of the Arbitration and Conciliation Act is very limited, unless and until the findings of the arbitrator are perverse and the award is patently illegal, this court cannot interfere under Section 34 of the Arbitration and Conciliation Act and therefore, this Court is of the view that there is no merit in the petition filed by the petitioner, it is ordered as follows:-

That the O.P. No.587 of 2011 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 30th 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.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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O.P. No.587 of 2011

ORDER:

DATED: 30.07.2018

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL:04/09/2018

APPROVED ON:05/09/2018