

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 16.2.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.734 of 2016 and C.M.P.No.3756 of 2016

Phani Kumar

... Petitioner

Vs

1 B.Kothandam

2 Dilipkmar

... Respondents

This Civil Revision Petition is filed under section 227 of Constitution of India against the order dated 12.09.2015 made in I.A.No.539 of 2015 in O.S.No.111 of 2015 on the file of the Principal Sub Judge, Chengalput.

For Petitioner : Ms.K.Dhanalakshmi for
Mr.P.Thiagarajan
For Respondent No.1 : Ms.R.Archana for
Mr.V.Subramaniam
For Respondent No.2 : No appearance

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ORDER

According to the petitioner, the first respondent has filed a suit in O.S.No.111 of 2015 against the second respondent challenging the execution

of sale agreement, dated 6.7.2015 executed by the first respondent in favour of the second respondent. The second defendant in the aforesaid suit has filed an application in I.A.No.539 of 2015 under Section 8 of the Arbitration and Conciliation Act, for dismissal of the suit as not maintainable in view of the arbitration clause referred to in Power of Attorney, dated 18.6.2015 and sale agreement, dated 6.7.2015. The trial court dismissed the application. Challenging the said order, the second defendant has preferred the present Civil revision petition before this Court.

2 According to the petitioner, when there is specific clause in the sale agreement, dated 6.7.2015 that if any dispute arose that can be referred to Arbitrator. The trial court erroneously dismissed the application without considering the case of the petitioner in proper perspective. Hence, the order passed by the court below is liable to be set aside.

3 In view of the legal principles laid down by the Hon'ble Supreme Court, learned counsel for the petitioner fairly conceded that Civil Court can decide the present suit.

4 In the light of the submission made by the counsel for the petitioner, the Civil revision petition is dismissed with the direction to the

learned Principal Sub Judge, Chengalput to dispose of the suit in O.S.No.111 of 2015 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

The Civil revision petition is dismissed with the above directions.

No costs. Connected miscellaneous petition is closed.

16.02.2018

Speaking/Non Speaking Order

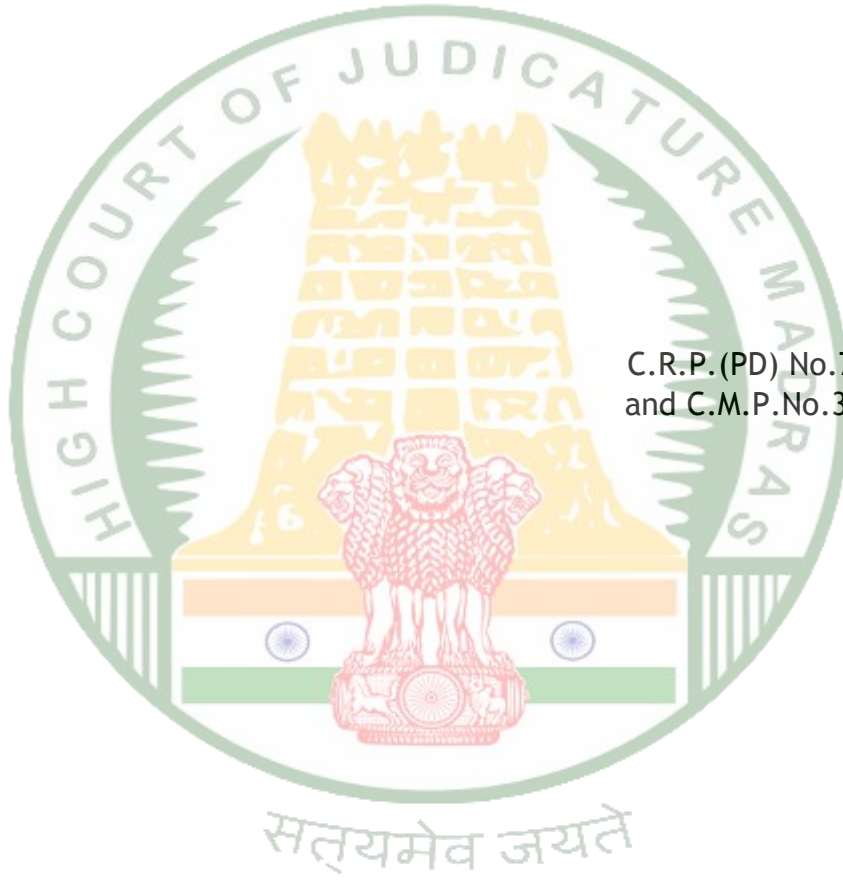
Index: Yes/No
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To
The Principal Sub Judge, Chengalput



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D.KRISHNAKUMAR,J.
vaan



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