

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2018

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

O.P.No.621 of 2012

1. Union of India,
Represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town, Chennai-600 003.
 2. Southern Railway Headquarters Office,
Park Town, Chennai-600 003.
Represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town, Chennai-600 003.
 3. The Chief Engineer(Construction),
Southern Railway, Egmore,
Chennai-600 008.
 4. The Deputy Chief Engineer,(Construction),
Southern Railway, Kozhikode-673 001.
- .. Petitioners

Vs.

1. C.Raghavan,
Son of Late Sri C.Kumaran Nair,
Sri Kumar Buildings,
South Chalakudi-680 307,
Trichur District.
 2. Christudas Stephenson,
(Retired District and Sessions Judge and
Sole Arbitrator),
Grace Villa, Maradu P.O.,
Ernakulam-682 304.
- .. Respondents

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the Arbitral Award dated 05.02.2011 as modified by order dated 17.06.2011 made in I.A.No.1 of 2011 pertaining to disputes arising out of agreement No.373/CN/2004 insofar as claims 3, 4, 5, 7, 9, 10 and 11 are concerned.

For Petitioners : Mr.S.R.Sundaram

For 1st Respondent : Mr.M.Venugopal

ORDER

This Original Petition has been filed challenging the Award dated 05.02.2011 passed by the Arbitral Tribunal constituted at Ernakulam.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioners would fairly submit that in the teeth of Section 42 of the Arbitration and Conciliation Act, 1996, this original petition will have to be decided by the High Court of Kerala.

3. Considering the abovesaid submission, this original petition stands closed. However, liberty is given to the petitioners to re-present the same before the High Court of Kerala within a period of eight weeks from the date of receipt of a copy of this order. No costs.

4. The Registry is directed to return the original papers to the learned counsel appearing for the petitioners so as to present the same before the High Court of Kerala. It is made clear that it is well open to the petitioner to take the plea of limitation by placing reliance upon Section 14 of the Limitation Act, 1963.

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M.M.SUNDRESH,J.

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