



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 12TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

O.P. No.400 of 2013

In the matter of Arbitration
and Conciliation Act, 1996

and

In the matter of Hypothecation
Agreement dated 12.10.2007

and

In the matter of Arbitration
Award dated 30.11.2012

1. Mr.O.Arumugam,
S/o.Mr.Orupanaiyan,
No.1/29, Agaram Cheyyur,
Kanchipuram District 603 401.

2. Mr.M.Durai,
No.2/193, Agaram Cheyyur,
Kanchipuram District-603 401.

... Petitioners

-Versus-

1. M/s.Shriram Transport Finance Company Ltd.,
rep. by its Junior Executive Mr.S.Varadhan,
Mookambika Complex, 3rd Floor,
No.4, Lady Desika Road,
Mylapore, Chennai-4.

2. Mr.S.S.Mariappan,
Sub Judge (Retd.),
Sole Arbitrator,
No.34/73, Nallappa Vathiyar Street,
Opp. Telugu Chettiyar Kalayan Mandapam,
Old Washermanpet, Chennai-21.

... Respondents

Original petition praying that this Hon'ble Court be
pleased to set aside the arbitral award dated 30.11.2012
passed by the 2nd respondent in Arbitration Case No.174 of
2012 by allowing the above OP.

<https://hcservices.ecourts.gov.in/hcservices/>
This Original Petition coming on this day before this
Court for hearing in the presence of Mr.N.Nagu Sah,



advocate for the petitioners herein, and Mr.K.S.Ramakrishnan, advocate for the 1st respondent herein and upon reading the petition and the award dated 30.11.2012 filed herein, it is ordered as follows:-

That the impugned award dated 30.11.2012 passed by the Arbitrator herein be and is hereby set aside.

2. That the petitioners herein undertake to pay a cost of Rs.10,000/- (Rupees ten thousand only) to the 1st respondent and Rs.2,500/- (Rupees two thousand and five hundred only) to the Member Secretary, Legal Services Authority, Chennai under the "Environment Fund", within a period of two weeks from the date of receipt of a copy of this order.

3. That in default of payments as mentioned in clause (2) supra, this Original Petition shall stand dismissed.

4. That on compliance of the conditional order, within a time as mentioned in clause (2) supra, the petitioners herein undertake to file vakalat and written statement, within a period of two weeks, thereafter.

5. That the Arbitrator shall consider the claim petition afresh and complete the arbitral proceedings, as expeditiously as possible, preferably within a period of eight weeks.

6. That there shall be no costs.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 12TH DAY OF SEPTEMBER 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.400 of 2013

ORDER

DATED: 12.09.2018

THE HON'BLE MR. JUSTICE
D.KRISHNAKUMAR

FOR APPROVAL:05/10/2018

APPROVED ON :05/10/2018

Copy to:

The Member Secretary,
Tamil Nadu Legal Service
Authority, High Court, Madras.