



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24th DAY OF JULY 2018

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.971 of 2016

In the matter of Arbitration  
and Conciliation Act, 1996  
and

In the matter of Award dated  
31.07.2012 in Arbitration  
case No.17 of 2012 passed by  
the Sole Arbitrator  
Sri.V.Pauldas, in respect of  
dispute between M/s.Shriram  
Transport Finance Company  
Limited and S.Feroz Khan and  
another

1. S.Feroz Khan,  
S/o.S.Ghouse Khan Sowdagar,  
No.5/3, First Floor,  
Aziz Mulk 7th Street,  
Thousand Lights, Chennai-600 006.

2. Sheik Ibrahim,  
S/o.S.A.Hazeem,  
No.42, Varadhapuram 2nd Street,  
Kotturpuram, Chennai-600 085.

... Petitioners

-Versus-

1. Shriram Transport Finance Company Ltd.,  
3rd Floor, Mookambika Complex,  
No.4, Lady Desika Road, Mylapore,  
Chennai-600 004  
rep. by its Authorized Signatory  
Mr.S.Varadhan

2. V.Pauldas,  
Sole Arbitrator,  
No.82/106, Perambur High Road,  
Jamalia, Chennai-600 012.

... Respondents

Original Petition praying that this Hon'ble Court be

pleased to:-

<https://hcservices.ecourts.gov.in/hcservices/>

a) set aside the award dated 31.07.2012 passed by  
Arbitrator/2nd respondent in the Arbitration Proceedings



pursuant to Arbitration Case No.17 of 2012 in the matter of dispute between the petitioner and the 1st respondent and consequently dismiss the claim made by the 1st respondent.

b) direct the respondent to pay the costs of the proceedings.

This Original Petition along with the application coming on this day before this court for hearing in the presence of Mr.Y.Kaja Navas, 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 31.07.2012 and this Court is of the considered view that the findings of the Arbitrator regarding service of notice on the petitioner are absolutely perverse and the award passed against the petitioner based on the said findings is patently illegal, it is ordered as follows:-

That the award dated 31.07.2012 passed by the second respondent/Arbitrator against the petitioner herein be and is hereby set aside.

2. That the first respondent herein, shall be at liberty to initiate fresh arbitration against the petitioner as well as the guarantor in accordance with law.

3. That there shall be no costs.

WITNESS THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 24th 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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16.08.2018

O.P. No.971 of 2016

ORDER:

DATED: 24.07.2018

THE HON'BLE MR. JUSTICE  
ABDUL QUDDHOSE

FOR APPROVAL:20/08/2018

APPROVED ON:20/08/2018