



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (PD) (MD) .Nos.695 & 696 of 2017

N.Duraisamy ... Petitioner/Petitioner in both petitions

Vs.

1.The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Madurai, Dindigul,
Anna Circle,
Madurai.

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Urban Division,
Thiruppathur.

... Respondents/Respondents in both petitions

COMMON PRAYER:- Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying for a direction to the learned Principal Sub-Judge, Dindigul to dispose of the arbitration petitions in AR.O.P.Nos.19 & 20 of 2005, respectively, (previously AR.O.P.Nos.1 & 2 of 1995, respectively, on the file of Subordinate Judge, Dindigul) on the file of the said Court, within a stipulated period.

For Petitioner : Mr.R.Sundar
For Respondents : No appearance
(In both petitions)

COMMON ORDER

These Civil Revision Petitions have been filed seeking a direction to the learned Principal Sub-Judge, Dindigul to dispose of the arbitration petitions in AR.O.P.Nos.19 & 20 of 2005, respectively, (previously AR.O.P.Nos.1 & 2 of 1995, respectively, on the file of Subordinate Judges, Dindigul) within a stipulated time limit.

2. The fact leading to the filing of these petitions, in nutshell, is as follows:

2.1. The petitioner herein is a registered contractor and has carried out some contract works for the respondent Department. For the works done by him, the respondent Department did not settle the entire amount, thereby, failed to keep up their promise, even after



completion of work. Therefore, the petitioner has initiated arbitration proceedings against the respondent Department before the Sole learned Arbitrator, the Supdt. of Engineer, TWAD Board, Sivagangai. As the claim amount is more than Rs.50,000/-, the claim petition preferred before the Sole Arbitrator was closed and thereafter, the petitioner has preferred arbitration original petitions before the Sub Court, Dindigul in AR.O.P.Nos.1 and 2 of 1995, which was subsequently transferred to Principal District Judge, Dindigul, where they were renumbered as AR.O.P.Nos.19 and 20 of 2005.

2.2. In the meanwhile, C.R.P.(MD)Nos.965 & 966 of 2015 came to be filed seeking early disposal of AR.O.P.Nos.19 and 20 of 2005 and this Court, by an order dated 15.06.2015, has directed the learned Principal District Judge, Dindigul to dispose of the said arbitration original petitions on or before 30.09.2015. But, the learned Principal District Judge, Dindigul, instead of disposing the said arbitration original petitions, on 02.12.2015, has transferred the same to the learned Principal Subordinate Judge, Dindigul for want of pecuniary jurisdiction, where, the same was renumbered as AR.O.P.Nos.1 and 2 of 2016 and the same are said to be pending. Hence, the present civil revision petitions came to be filed.

3. The learned Counsel for the petitioners, narrating the events, would submit that both the petitions were transferred by the learned Principal District Judge, Dindigul to the learned Principal Sub Judge, Dindigul, *suo-motu* and he prays for a direction for early disposal of both the petitions, as both of them are of the year 1995 (which was subsequently renumbered).

4. Heard the learned Counsel appearing for the petitioner and perused the documents placed on record. There is no representation for the respondents.

5. This Court, at the time of admission, by an order dated 14.11.2017, in C.R.P.(MD)Nos.695 & 696 of 2017, has called for a report from the learned Principal Sub Judge, Dindigul, as to why the said arbitration original petitions have not been adjudicated till date, despite a direction by this Court.

6. The learned Principal Sub Judge, Dindigul has sent a reply dated 21.11.2017, stating that he has no jurisdiction to proceed with the case, as the arbitration petitions are preferred to pass an award or to appoint an Arbitrator. As per the Arbitration and Conciliation Act, 1996, Principal Subordinate Court has no jurisdiction to entertain such petitions and it is the Principal District Court, which has got jurisdiction.

7. Considering the facts and circumstances of the case and also taking into account that the arbitration proceedings are of the year 1995, the learned Principal Subordinate Judge, Dindigul is hereby directed to transmit all the records with regard to the arbitration original petitions in dispute to the learned Principal District



Judge, Dindigul forthwith. On receipt of the same, the learned Principal District Judge, Dindigul shall dispose of the petitions, on merits and in accordance with law, within a period of four weeks thereafter.

8. These civil revision petitions are disposed of in the above terms. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Subordinate Judge, Dindigul.

2.The Principal District Judge, Dindigul.

+One cc to Mr.R.Sundar, Advocate, SR.No.46259

gk

RL/4C/3P/SV/MMS/SAR4/13/2/2018

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