

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice N. BALAYOGI

CIVIL REVISION PETITION No.899 OF 2018

Date:09.03.2018

Between:

Syed Waheeduddin S/o.Syed Hameeduddin
Aged about 57 years, Occ: Business, R/o.H.No.9-11-316/ 15,
Naya Qila, Golconda, Hyderabad and another.

...Petitioners

Vs.

M/s.Sree Ram City Union Finance Limited,
Office at 3-6-478, 4th floor, Anand Estate,
Liberty Road, Hyderabad and others.

... Respondents

Counsel for Petitioners : Sri M.A.K. Mukheed

Counsel for Respondents : Sri Maheswara Rao Kuncheam

Gist :

Head Note :

Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE N. BALAYOGI

CIVIL REVISION PETITION No.788 OF 2018

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the rejection of an application for condonation of delay in filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996 and dismissal of an application for a direction to the Arbitrator to produce the records relating to the Arbitration Award, the petitioners have come up with the above revision petition.

2. Heard Mr. M.A.K. Mukheed, learned counsel for the petitioners. Mr. Maheswara Rao Kuncheam, learned counsel takes notice for the 1st respondent/ Award holder.

3. Admittedly, the award was passed on 10.08.2016. The original petition under Section 34 of the Arbitration and Conciliation Act was presented on 16.12.2016.

4. According to the petitioners, the copy of the Award was sent by registered post and the same was received on 30.10.2016. If what the petitioners say is true, then the O.P. is filed even within the period of limitation. If what the petitioners say is false, then it was filed even beyond the period condonable by Court under the proviso to sub-Section (3) of Section 34 of the Arbitration and Conciliation Act.

5. But, the truth or otherwise of the claim of the petitioners, may have to be gone into by the trial Court only after numbering the application and giving notice to the other side and giving opportunities to both parties to produce evidence. Without doing this, the trial Court has dismissed the condone delay application without even numbering the same. This procedure is not correct.

6. Therefore, the revision is allowed, the impugned order is set aside and the trial Court is directed to number the application for condonation of delay, issue notice to the respondents, hear both parties and decide the same on merits in accordance with law.

7. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

March 09, 2018
KTL

