

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.No.1 of 2018
In/an
C.M.A.No.914 of 2018

Date:06.9.2018

Between.

M.Bala Ranga Swamy,
S/o M.Rama Swamy and another.

....Appellants

And.

M/s Shriram City Union Finance Limited,
Kurnool and two others.

....Respondents

Counsel for the appellants: Mr. K.Vishwanatham

The Court made the following:



COMMON ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The Civil Miscellaneous Appeal is filed against order and decree, dated 12.9.2017, in A.O.P.No.152 of 2015 on the file of the Principal District Judge, Kurnool.

I.A.No.1 of 2018 is filed for condonation of delay of 500 days in filing the Civil Miscellaneous Appeal against the aforementioned order and decree.

We have heard Mr. K.Vishwanatham, the learned counsel for the appellants, and perused the record.

The appellants have borrowed money from respondent No.1. As they failed to repay the loan instalments, respondent No.1 has invoked the Arbitration provision and got the dispute referred to respondent No.2. The appellants failed to participate in the arbitral proceedings resulting in passing of *ex parte* award, dated 31.8.2013. Assailing the said award, the appellants filed A.O.P.No.152 of 2015, under Section-34 of the Arbitration and Conciliation Act, 1996, before the Principal District Judge, Kurnool. By his order, dated 12.9.2017, the Court below has dismissed said A.O.P.

In the affidavit, filed in support of the application-I.A.No.1 of 2018, appellant No.1 stated that after the dismissal of A.O.P.No.152 of 2015, some negotiations took place, in which respondent No.1 has promised to take into account the amount of Rs.60,000/- and also agreed to waive interest, but as respondent No.1 did not act according to its assurance, the

appellants have applied for certified copy of the order in the afore-mentioned A.O.P. on 10.4.2018 and obtained the same on 18.4.2018.

The explanation offered by appellant No.1, as noted above, is as vague as vagueness could be. The relevant details such as the name of the functionary representing respondent No.1 with whom the negotiations were held, the dates or at least the approximate period during which such negotiations were held, etc., have not been given out by appellant No.1. The appellants having stayed away from the arbitration proceedings, failed to show diligence at least in filing the appeal. As the appellants failed to offer any semblance of explanation for condoning the long delay of 500 days in filing the appeal, we are not inclined to condone the said delay. Accordingly, the application is dismissed.

As a sequel to dismissal of I.A.No.1 of 2018, the Civil Miscellaneous Appeal shall stand rejected and I.A.No.2 of 2018 filed for interim relief shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHAYM PRASAD

06th September, 2018

DR