

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.83 of 2013

1. K.Raghu

2. Sri Shanmugha Poultry Service
rep.by its Proprietor K.Raghu
No.48/9A, S.K.K.Complex
Mohanur Road
Namakkal ... Appellants/Petitioner

-vs-

1. L.Dinakaran (Arbitrator)
Swamy Associates
No.6, 60A, Manirajam Street
Janaki Nagar
Valasaravakkam
Chennai 600 087

2. M/s Kotak Mahindra (P) Ltd.,
First Floor
Ceebros Centre
45, Montieth Road
Egmore, Chennai
rep.by its Authorised Signatory

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Respondents/Respondents

Memorandum of Grounds of Civil Miscellaneous Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 against the order and decretal order dated 6.8.2012 made in the unnumbered A.O.P.No...of 2012 on the file of the learned Principal District Judge, Namakkal.

For Appellants :: Mr.T.Dhanyakumar

For Respondents :: NA

JUDGMENT

This civil miscellaneous appeal has been directed against the impugned decretal order dated 6.8.2012 passed by the learned Principal District Judge, Namakkal in the unnumbered

A.O.P.No...of 2012, which was preferred by the appellants under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award passed by the Arbitrator in Claim Petition No.LDG 186 of 2011 dated 23.11.2011.

2. The Court below, after perusing the award passed by the Arbitrator, keeping in mind that the award was passed at Chennai on the basis of the loan transaction that took place at Chennai, whereas the appellants had given the address at Namakkal for filing the unnumbered A.O.P.No...of 2012 seeking to set aside the award passed by the Arbitrator at Chennai in Claim Petition No.LDG 186 of 2011, came to the conclusion that the petition filed under Section 34 of the Arbitration and Conciliation Act was not maintainable.

3. After hearing the learned counsel for the appellants, this Court also is able to see that the appellants had neither appeared nor filed any statement of defence before the Arbitrator, therefore, the Arbitrator, on going through the documents and the submissions made by the claimant, holding that the claimant was entitled to receive a sum of Rs.6,25,000/- from the appellants along with interest, decided the matter in favour of the claimant. Hence, this Court finds no merits whatsoever in the appeal to interfere with the impugned decretal order. Accordingly, the civil miscellaneous appeal fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Principal District Judge
Namakkal

+1cc to Mr.T.Dhanyakumar, Advocate sr.45943

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