

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P. Nos.121, 122, 123, 124 & 125 of 2013

1.Basavalingappa Talikoti

2.Mr.Ashok Kashiram ... Petitioners in all O.Ps

Vs.

1.M/s.Indusind Bank Limited
rep.by Mr.Balavenkata Giri,
Having office at No.116,
G.N.Chetty Road, T.nagar,
Chennai-600 017.

2.Mr.S.K.Srinivasan
Sole Arbitrator ... Respondents in all O.Ps

Common Prayer: Petitions filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the Ex-awards passed by 2nd respondent dated 16.03.2010 in the Arbitration claim petition Nos.KJJA00261 of 2002, KJJA00261 of 2002, KJJA00262 of 2002, KJJA00263 of 2002 & KJJA00264 of 2002.

For Petitioners : Ms.P.Pooja
for M/s.PVS.Giridhar & Sai Associates
(in all W.Ps)

For Respondents : Mr.K.Moorthy for R1 (in all W.Ps)

ORDER

The awards dated 16.03.2010 have been put to challenge in the present Original Petitions. Main contention of the petitioners before this Court is that without giving any opportunity, an ex-parte award has been passed and there is no documents to substantiate the claim of the claimant/1st respondent.

2. Heard learned counsel for the petitioners as well as the respondents.

3. First of all, the contention that an opportunity has not been given to the petitioners cannot be countenanced for the simple reason that the notices have not been served properly.

4. On perusal of the records, it is categorically found that various notices have been served to the petitioners/respondents at the earlier stage of original proceedings. Despite refusal of notices by the respondents, they had entered appearance through counsel and filed their counter affidavit, when the matter was in initial stage. Thereafter they did not prosecute their case inspite of several notices and the matter has been proceeded on the basis of evidences adduced by the claimant/1st

respondent herein. The Arbitrator, considering learned Arbitrator has passed the ex-parte award based on the documents.

5. Hence, the learned Arbitrator followed appropriate procedure in sending notices as contemplated under Act and the notices have also been served and the parties have appeared before the learned Arbitrator and subsequently remained absent and as such, the Awards cannot be set aside on the ground that no opportunity is given during the original proceedings and I do not find any material to interfere with the Awards passed by the learned Arbitrator.

Accordingly, these Original Petitions are dismissed. No costs.

09.07.2019

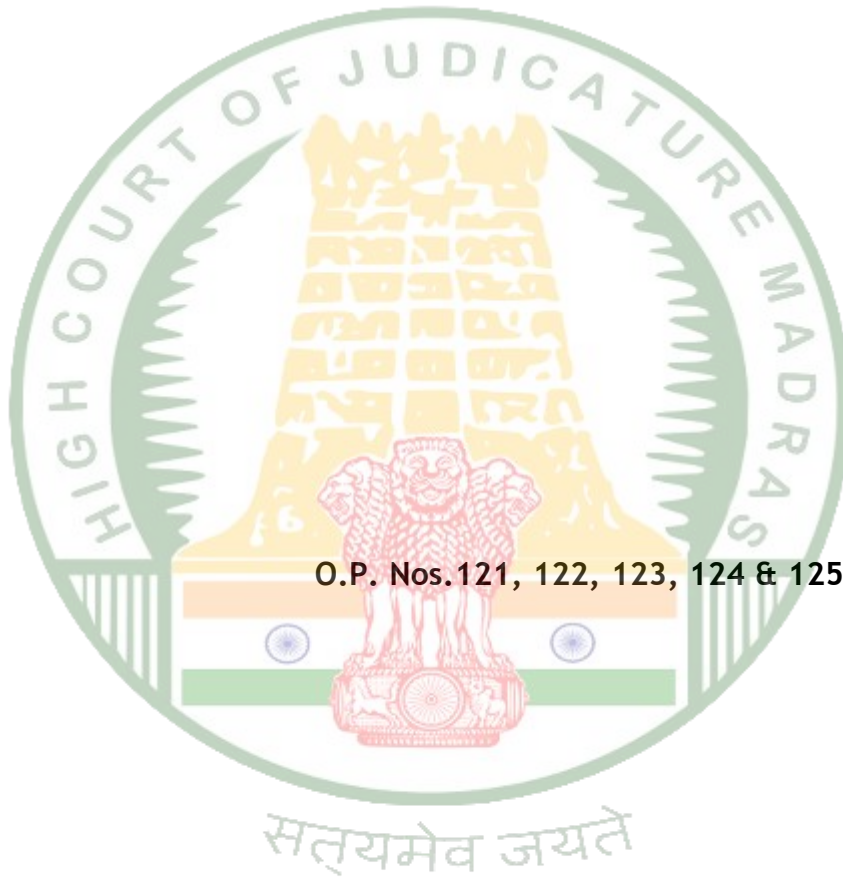
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Index : Yes/ No
Internet : Yes/ No
Speaking Order/ Non-speaking Order

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N.SATHISH KUMAR.,J.

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