

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. No. 644 of 2013

1.V.Visvanathan

2.Pyaralal

3.N.Krishnan

... Petitioners

Vs.

1.M/s.Shriram City Union Finance Ltd,
rep.by its Authorized
representative Ms.Meenakshi
Having their office at No.12,
Ramaswamy Street, T.Nagar,
Chennai-600 017.

2.The Sole Arbitrator
C.A.Ravichadiran, Advocate

... Respondents

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the award dated 25.08.2011 passed by the second respondent disputes raised by the respondent against the petitioners in A.C.P.NO(EF/CAR) 18 of 2011.

For Petitioner : Mr.K.S.Ganesh Babu

For Respondent : Mr.A.Janani
for M/s.K.V.Anatha Krishnan for R1

ORDER

The Award dated 25.08.2011 has been put to challenge in the present Original Petition. 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. On perusal of the records, it is categorically found that pre-arbitration notice dated 16.03.2010 has been served on the parties. Subsequently, the summons/notices were also issued by the Arbitrator. Despite notice, the petitioners herein had not contested. The learned Arbitrator by taking into account all the documents adduced by the claimant, proceeded further and passed an award. Therefore it is too late for the petitioners to contend that no opportunity has been given and the learned Arbitrator has proceeded ex-parte Award. Such contention cannot be countenanced for the simple reason that Pre-Arbitration notice has not been properly served.

4. In view of the reasons assigned above, the Awards cannot be set aside on the ground that no opportunity is given during the original proceedings. Further, the learned Arbitrator has also followed appropriate procedure in sending notices as contemplated under the Arbitration Act, hence I do not find any ground to interfere with the Awards passed by the learned Arbitrator.

Accordingly, this Original Petition is dismissed. No costs.

09.07.2019

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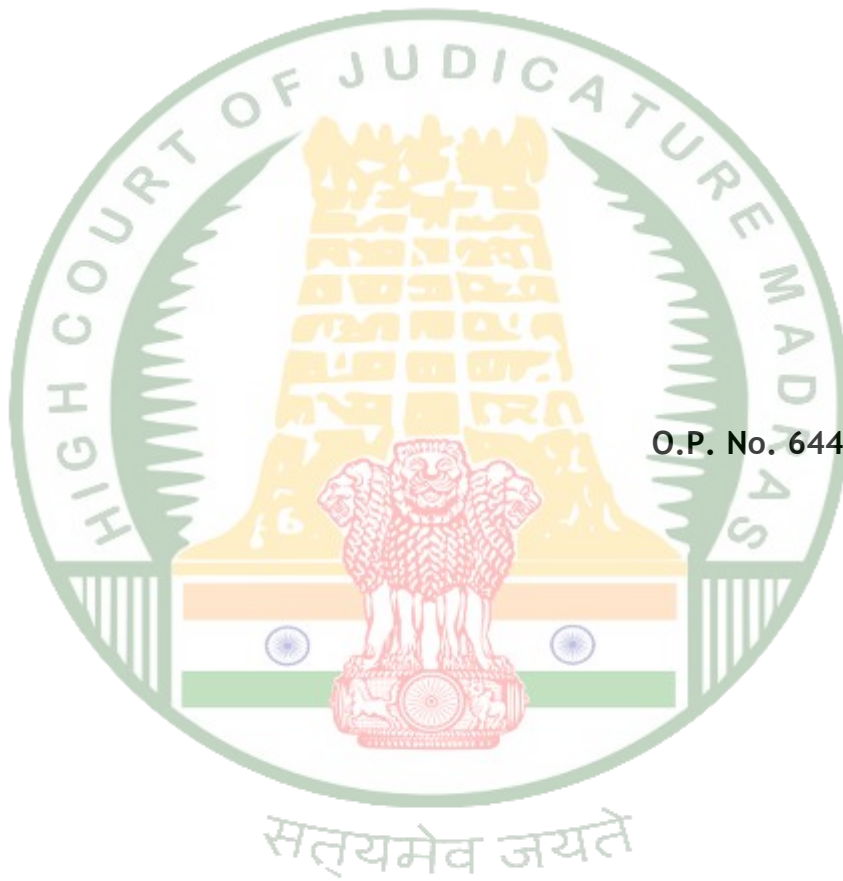
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N.SATHISH KUMAR.,J.

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