

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.7.2019

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.P.No.740 of 2013

1 G.Girishkumar
2 Mrs.G.Girishkumar
Sis/o.G.Girishkumar ... Petitioners

Vs.

1 Shriram City Union Finance Ltd.,
Rep. by its authorized representative
Mr.R.Muruganandham,
No.6, L.B. Road,
Sorrento Building,
2nd Floor, Adyar, Chennai 600 020.
2 C.A.Ravichandran
Sole Arbitrator,
No.90, Peters Road,
New College Shopping Complex,
Chennai 600 014. ... Respondents

Prayer:- Original Petition is filed under Section 34 of Arbitration and Conciliation Act, 1996 to set aside the Arbitral award, dated 28.08.2012, passed by the second respondent/Arbitrator in A.C.P.(EF/CAR) 308/2011.

For Petitioner : No appearance
For Respondent No.1 : Mr.K.V.Ananthakrishnan

ORDER

Learned counsel appearing for the petitioner sought for pass over in the morning to argue the matter. When the matter was taken up during post lunch session, none appeared for the petitioners. Hence, I am inclined to dispose of the petition on merit.

2. The main ground raised in the petition to assail the award passed by the Arbitrator is that, "no notice was served and no opportunity was given to the petitioners" to defend the reference.

3. On perusal of the award makes it clear that the learned Arbitrator in fact considered the entire documents and passed the award. It is clear from the award that notice has been served on the petitioners under Section 21 of the Act and copy of the notice was filed as Ex.A6 and thereafter, the learned Arbitrator issued notice to the petitioners through registered post and the same was returned unserved, marked as Ex.A7. The first petitioner herein despite service of notice did not appear before the Arbitrator and the second petitioner left the place. Thereafter, the learned Arbitrator proceeded the matter exparte and decided the matter on the basis of documents. Therefore, the contention that no notice has been served on the petitioners is found to be false.

4. In view of the same, there is no merit in the petition. Accordingly, the petition is dismissed. No costs.

16.7.2019

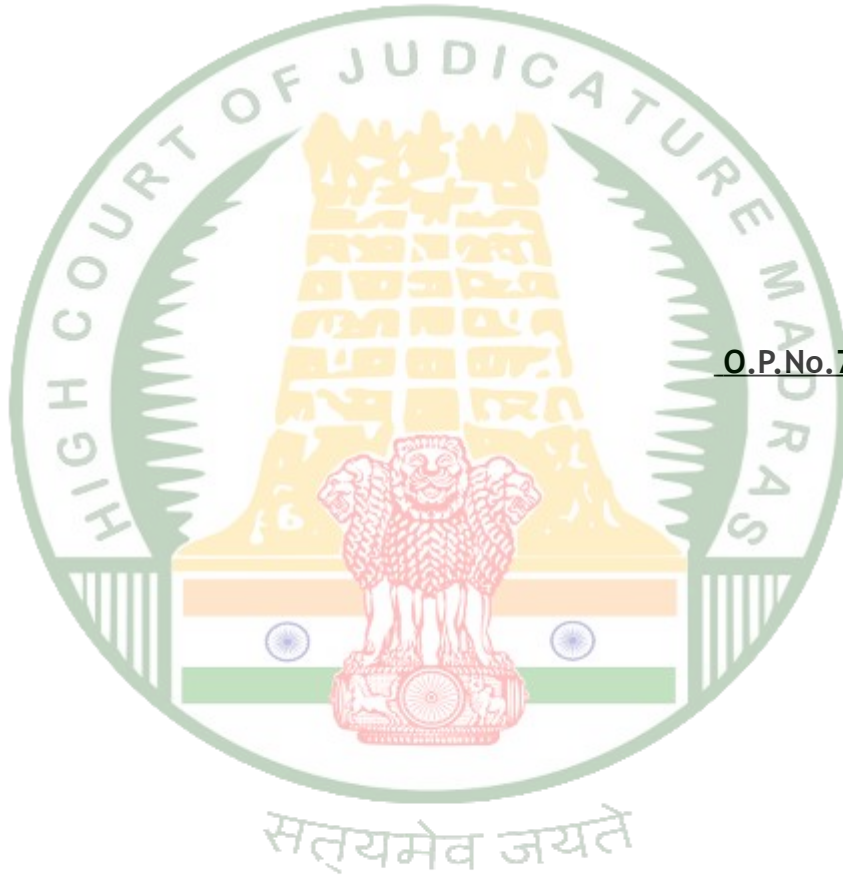
Speaking/Non Speaking order

Index: Yes/No

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