

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

ORIGINAL PETITION NO.499 OF 2018

and A.No.809 of 2019

Sukanya Priya ... Petitioner/Respondent

-VS-

1. Reliance Capital Ltd.,
'H' Block, 1st Floor,
Dhirubhai Ambani Knowledge City,
Koperkhairwane,
Navi, Mumbai-400 710. ... Respondent/Claimant

2. Mr.N.F.Kumana ... Sole Abitrator

3. Kiran Kanwar ... Respondent/Respondent

PRAYER: Petition is filed under Section 34 of the Arbitration and Conciliation Act, 1996, seeking to set aside the Award dated 13.06.2012 passed by the 2nd respondent herein, viz., the Sole Arbitrator in RCL/NFK No.328 of 2012.

For Petitioner : Mr.K.Kannan
For R1 : M/s.T.Velankanni

ORDER

This Original Petition has been filed, seeking to set aside the Award dated 13.06.2012 passed by the 2nd respondent herein, viz., the Sole Arbitrator in RCL/NFK No.328 of 2012.

2. It is seen that the present Original Petition has been filed, challenging the Award dated 13.06.2012 passed by the Sole Arbitrator / 2nd respondent herein at Mumbai. When the seat of arbitration was at Mumbai, mere filing of Execution

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Petition in the State of Tamil Nadu alone cannot give right to the petitioner to file the present petition. Therefore, I am of the view that the present Original Petition cannot be entertained and this Court has no jurisdiction to entertain this petition.

3. Accordingly, this Original Petition is dismissed. No costs. Consequently, connected miscellaneous application is closed.

4. It goes without saying that in the event of the petitioner choosing to file an Original Petition before the appropriate forum, she is at liberty to raise the plea of exclusion of limitation for the period between the filing of this petition and its disposal.

Index: Yes / No
Internet: Yes / No
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30.01.2019

Note: Registry is directed to return the original Award, if any, to the Petitioner after retaining its certified copy in the bundle.

Issue order copy on 11.02.2019

WEB COPY

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