

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 19TH DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A. No.8157 of 2019
in
O.P.DIARY NO.43161 OF 2019

In the matter of
Arbitration & Conciliation
Act, 1996

And
In the matter of the Award
Passed on 30.05.2017 in
Arbitration Case
No.KER/SBPHF/01 of 2016.

MRS.SHEEBA AJAYAKUMAR,
W/O.M.G.AJAYAKUMAR,
MANATHANATTU HOUSE,
OLAMATTAM HOUSE,
OLAMATTAM KARA,
THODUPUZHA VILLAGE,
IDUKKI DISTRICT,
KERALA-685 584

..Applicant/Petitioner

-vs-

1. M/S. SUNDARAM BNP PARIBAS HOME FINANCE LTD.,
REP.BY ITS AUTHORISED SIGNATORY
NO.46, WHITES ROAD, CHENNAI-600 014

2. MR.M.G.AJAYAKUMAR,
MANATHANATTU HOUSE,
OLAMATTAM KARA,
THODUPUZHA VILLAGE, IDUKKI DISTRICT,
KERALA-685 584

.Respondents/Respondents

Application praying that this Hon'ble Court be pleased to condone the delay of 21 days in filing the set aside petition against the Award dated 30.05.2017 made in Arbitration Case No.KER/SBPHF/01 OF 2016 passed by Mrs.K.Elaiyarani, District Judge(Retd), Chennai pending disposal of the above set aside the petition.

This Application coming on this day before this court for hearing the court made the following order:

This application is filed to condone the delay of 21 days in filing the petition to set aside the Arbitral Award dated 30.05.2017.

2.I heard the learned counsel for the applicant.

3.At the hearing on 05.11.2019, notice was issued to the respondents returnable by today. Pursuant there to, the petitioner sent private notice to the respondents and filed an Affidavit of Service dated 15.11.2019 enclosing the Track Consignment Status Reports of the Department of Post evidencing that notice was served on both the respondents on 07.11.2019 and 13.11.2019. In spite of such service, there is no appearance for the respondents at the hearing today.

4.Upon examining the affidavit filed in support of the application to condone the delay, I find that it is stated therein that the petitioner challenged the award before the District Court, Thodupuzha on 14.07.2017 after receiving a copy of the award on 06.06.2017. It is further submitted therein that the said petition was dismissed on 31.08.2018 and that this was challenged before the High Court of Kerala which directed the papers to be returned by an order dated 19.11.2018. Pursuant thereto the return of papers was obtained on 11.01.2019 from the District Court, Thodupuzha. Therefore, it is stated that the delay is liable to be excused. The learned counsel submitted that some time was taken both to prepare the petition that was filed before the District Court and to re-present the petition before this Court, which was neither wilful nor wanton.

5.On perusal of the said affidavit and upon consideration of the oral submissions of the learned counsel for the applicant, the applicant has made out sufficient cause to condone delay. Therefore, this application is allowed and the Registry is directed to

number the O.P.D.No.43161 of 2019, if it is otherwise in order.

Sd/.S.K.R.J.

19.11.2019

//Certified to be a true copy//
Dated this the day of 2019.

SU/26.11.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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